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Vol. I.

FEBRUARY, 1899.

THE
CONSERVATIVE REVIEW

A QUARTERLY.

CONTENTS:

- I. THE CONSTITUTION OR ABSOLUTISM? *Isaac Lobe Straus.*
- II. STONEWALL JACKSON, *Randolph Barton.*
- III. THE PROSE WRITINGS OF HEINE, *William T. Brantly.*
- IV. COLONEL RICHARD MALCOLM JOHNSTON, *Bernard C. Steiner.*
- V. AMERICAN POLICY OF EXPANSION, *Hon. Champ Clark.*
- VI. CAPTAIN JOHN SMITH, SOLDIER AND HISTORIAN, *Kate Mason Rowland.*
- VII. CHILDE ROWLAND, *Peirce Bruns.*
- VIII. THE POET OF MANHOOD, *Edward A. Uffington Valentine.*
- IX. THE TREATY WITH SPAIN, *Hon. A. Leo. Knott.*
- X. KHAVER, A TURKISH NOVEL, *C. L. Crisfield.*
- XI. NEW ENGLAND STATESMEN, *H. B. Stimpson.*

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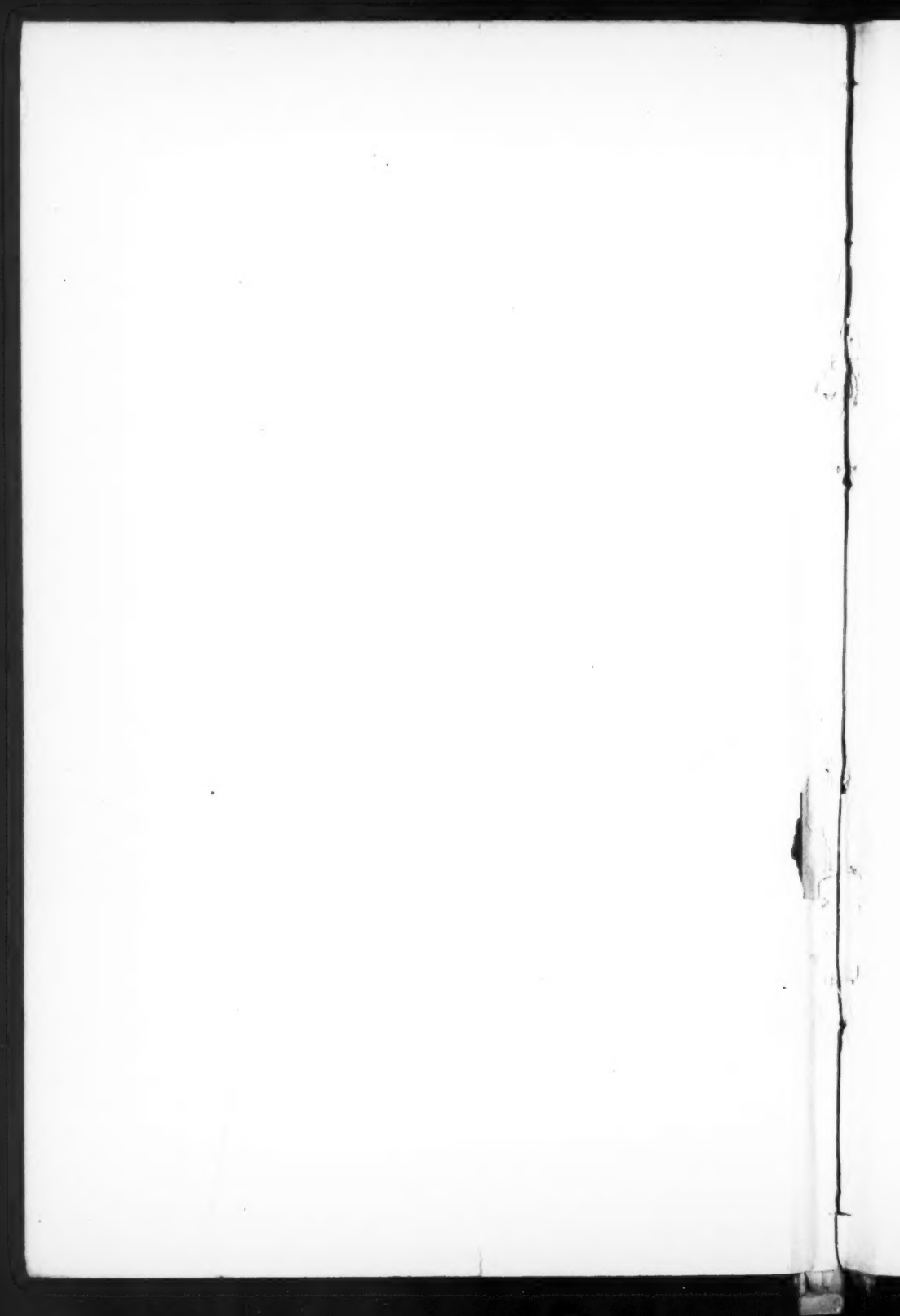
The
Conservative Review

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VOLUME 1

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CONTENTS.

	Page.
ART. I.—THE CONSTITUTION OR ABSOLUTISM? By Isaac Lobe Straus.	
1. Speech of the Honorable O. H. Platt, Senator from the State of Connecticut. Delivered in the Senate of the United States, December 19, 1898. Congressional Record, Vol. 32, No. 11, pp. 321-331. Washington: 1898.....	5
ART. II.—STONEWALL JACKSON. By Randolph Barton.	
1. Stonewall Jackson and the American Civil War. By Lieutenant-Colonel G. T. R. Henderson, Major in the York and Lancaster Regiment, Professor of Military Art and History in Staff College. In 2 volumes. Longmans, Green & Co., London and New York: 1898.....	41
ART. III.—THE PROSE WRITINGS OF HEINE. By William T. Brantly.	
1. The Family Life of Henrich Heine. Illustrated by 122 hitherto unpublished letters. Edited by his nephew, Baron Ludwig von Embden. Translated by C. G. Leland. 4 portraits, new edition. Heinemann: 1896.	
2. Pictures of Travel. By Henrich Heine. Translated by C. G. Leland. 2 volumes. Heinemann: 1891.	
3. Mme. Della Rocca. Embden, Erinnerungen und Skizzen. Hamburg: 1881.	
4. Strodtmann. H. Heine. Leben und Werken. Berlin: 1884.	
5. Heine's Life told in his own words. Edited by Karpeles. Translated by Arthur Dexter. New York: 1893.....	60
ART. IV.—COLONEL RICHARD MALCOLM JOHNSTON. By Bernard M. Stelner.....	
	74
ART. V.—AMERICAN POLICY OF EXPANSION. By Hon. Champ Clark	
	78
ART. VI.—CAPTAIN JOHN SMITH, SOLDIER AND HISTORIAN. By Kate Mason Rowland.	
1. Proceedings of the Virginia Historical Society at the Annual Meeting, February 24, 1882, with the Address of William Wirt Henry: The Settlement of Jamestown, with Particular Reference to the Late Attacks upon Captain John Smith, Pocahontas and John Rolfe. Richmond, Va. Published by the Society: MDCCCLXXXII.	
2. The English Scholar's Library. Captain John Smith's Works. 1608-1631. Edited by Edward Arber. 1 Montague Road, Birmingham. August, 1884. Limited Library Edition, No. 16.	

	Page.
3. Captain John Smith and his Critics. By Charles Poindexter, Acting Librarian Virginia State Library. Richmond: 1893.	
4. The Genesis of the United States, Being a Series of Historical Manuscripts. Collected and edited by Alexander Brown. Boston and New York: Houghton, Mifflin & Co. The Riverside Press, Cambridge: MDCCCXC.	
5. Early Virginia History. Letter to the Richmond (Virginia) Times. By Alexander Brown. September 9, 1891.....	113
ART. VII.—CHILDE ROWLAND. By Peirce Bruns.	
1. English Fairy Tales. By Joseph Jacobs. David Nutt, London: 1892.	
2. Childe Rowland to the Dark Tower Came. By Robert Browning.	
3. Comus, a Mask. By John Milton.	
4. Edgar's Song in King Lear. By William Shakespeare.....	127
ART. VIII.—THE POET OF MANHOOD. By Edward A. Uffington Valentine.	
1. Leaves of Grass, Including Sands of Seventy, Good-Bye My Fancy, Old Age Echoes, and A Backward Glance O'er Travel'd Roads. By Walt Whitman. Small, Maynard & Co., Boston.	
2. Calamus: A Series of Letters Written During the Years 1868-1880 by Walt Whitman to a Young Friend (Peter Doyle). Edited by Richard Maurice Bucke, M. D. Small, Maynard & Co., Boston.	
3. The Wound Dresser: A Series of Letters Written from the Capital in Washington during the Civil War by Walt Whitman. Edited by Richard Maurice Bucke, M. D. Small, Maynard & Co., Boston.....	140
ART. IX.—THE TREATY WITH SPAIN IN ITS RELATION TO TERRITORIAL ACQUISITION. By Hon. A. Leo Knott.....	
	147
ART. X.—KHAVER. By C. L. Crisfield.	
1. Khaver, a Turkish Story of Domestic Life. By Ahmed Isehan. Translated by Louis C. Solyom: 1899.....	173
ART. XI.—NEW ENGLAND STATESMEN. By H. B. Stimpson.	
1. John Adams, with Other Essays. By Mellen Chamberlain. Houghton, Mifflin & Co., Boston: 1898.	
2. John Adams. By Morgan T. Morse, Jr. Houghton, Mifflin & Co., Boston: 1885.	
3. John Quincy Adams. By John T. Morse, Jr. Houghton, Mifflin & Co., Boston: 1885.	
4. Samuel Adams. By James K. Hosmer. Houghton, Mifflin & Co., Boston: 1885.	
5. Daniel Webster. By Henry Cabot Lodge. Houghton, Mifflin & Co., Boston: 1883.....	184

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THE CONSTITUTION OR ABSOLUTISM?

By Isaac Lobe Straus.

1. *Speech of the Honorable O. H. Platt, Senator from the State of Connecticut.* Delivered in the Senate of the United States, December 19, 1898. Congressional Record, Vol. 32, No. 11, p. 321-331. Washington: 1898.

AS is well known, Senator Platt's speech, above referred to, is generally accepted as an authentic statement of the views of the present Administration of the United States upon the constitutional questions involved in the proposed acquisition and government of the Philippine Islands. Accordingly, in entering upon a consideration of the opinions of the Senator, and of the doctrines by which he seeks to sustain them, as set forth in his speech, we shall adopt the plan pursued by Lord Macaulay in a popular essay, and following a fiction formerly in use in our courts of law, treat the Senator as merely a Richard Roe, not to be mentioned hereafter, and whose name and speech are used solely for the purpose of bringing the attitude of the Administration toward the federal Constitution fully under review.

The conclusion which the speech undertakes to establish is that the Government of the United States has the right to rule ten or twelve millions of people living in islands across the seas, as well as several millions at home, without constitutional restraint. In order to maintain that proposition, it became necessary to improvise a species of construction of the powers of the federal Government under the Constitu-

tion, most extraordinary in itself and utterly denied by all authority upon the subject.

We shall probably be in no danger of misunderstanding the speech, if we set forth in its own words the doctrine which it announces as its foundation and substance. It proposes to

"Maintain that the United States is a nation; that as a nation it possesses every sovereign power not reserved in its Constitution to the States or to the people; that the right to acquire territory was not reserved, and is, therefore, an inherent sovereign right; that it is a right upon which there is no limitation and with regard to which there is no qualification; that in certain instances the right may be inferred from specific clauses in the Constitution, but that it exists independent of these clauses; that in the right to acquire territory is found the right to govern it; that as the right to acquire is a sovereign and inherent right, the right to rule is a sovereign right not limited in the Constitution."

That we may be entirely sure of the meaning of the above paragraph we also note the following declarations of the address:

"As a nation the United States is sovereign. Sovereignty and nationality are correlative (?) terms. There can be no nationality without sovereignty, and there can be no sovereignty without nationality. As to every matter, the United States, as a nation, possesses sovereign power except only where sovereignty has been reserved to the States or to the people."

And again, it is declared to have been

"Shown that a nation has a sovereign, inherent and unlimited right to acquire territory, because that is an essential element of nationality, and that to deny it is to deny our nationality. If this be true it is quite unnecessary to search the Constitution either for a specific or implied power to acquire territory."

These passages disclose a radical and revolutionary departure from the fundamental theories of our Government.

To any one at all acquainted with the principles of American constitutional law, it is apparent that the method of constitutional interpretation applied in the above propositions is the very reverse of the rule long and uniformly adopted by our courts and commentators with respect to the federal Constitution.

No one at this day would pretend to question the power of the federal Government to acquire territory. The Supreme Court has repeatedly declared that that power is con-

ferred by the Constitution upon the Government, and the Government has often exercised it. Nor is there any doubt that Congress possesses under an express grant of the Constitution, and by virtue of its right to acquire territory, the power to govern territory so acquired. These rights of acquiring and governing territory, however, as our courts and statesmen have always considered, have been affirmatively delegated as powers implied and resultant from a number of express grants in the Constitution. It has never been conceded that either power exists "as an inherent sovereign right independent of these clauses." Nor has any power ever in the history of the Republic been accorded to the federal Government upon such a theory.

It is, however, not extraordinary that the address under consideration resorts to a palpable violation of the settled rule for interpreting the federal Constitution in order to construct its theory of congressional absolutism. When it assumes the startling premises that "the United States possesses every sovereign power not reserved in its Constitution to the States or to the people; that the right to acquire territory was not reserved and is, therefore, an inherent sovereign right; that, in certain instances it may be inferred from specific clauses in the Constitution, but that it exists independent of these clauses," it is easily enabled to reach the equally startling conclusion that "it is quite unnecessary to search the Constitution either for a specific or implied power to acquire territory," and the further conclusion that the right to govern acquired territory is without limit or restraint.

But all this, as will be shown, overthrows the rule long and well established for ascertaining the powers of the federal Government, and substitutes in its stead the diametrical opposite of that rule.

Senator Hoar, in reply to the address under consideration, pointed out this fundamental and pervading error of the propositions we have cited, when he said: "The first article of the Constitution declares: 'All legislative powers *herein granted* shall be vested in a Congress of the United States.' What becomes in the light of that language of the Senator's repeated assertion that powers not denied may so be exercised. * * * Certainly there are legislative powers not 'herein granted.' All legislative powers are powers of sovereignty. The Senator's argument seems to me to topple over when the first article of the Constitution is read. Mark the clear distinction between the sovereign powers of the States and

those belonging to the United States. The powers of the United States must be affirmatively delegated or they do not exist. The powers claimed by the States must be expressly prohibited or they do exist."

As Senator Hoar intimates the speech has palpably applied to the federal Constitution the principle of construction which is used to ascertain the powers of the State governments as limited by their constitutions; although no doctrine of constitutional law is more firmly settled than that the rule for determining the powers of the federal Government is the converse of the rule for determining the powers of the State government. The Government of the United States is one of limited and enumerated powers, and as the Constitution confers those powers upon that Government, it possesses only the powers so affirmatively granted to it. On the other hand, the State government possesses all powers not denied to it by the State and federal Constitutions. The grants of powers to the federal Government are thus made definite, particularized and specific. The powers of the State governments are left undefined and unascertained except as to the prohibitions of the State and federal Constitutions. The State government *has* inherent powers of sovereignty—all such inherent powers not prohibited. The Government of the United States has *no* inherent sovereignty, but only the sovereign powers expressly granted to it, and those implied in or incidental to the grants. A cursory review of the opinions of the great jurists and statesmen who have settled the rules for interpreting the federal Constitution will indicate how fully they confute and overthrow the propositions which we have cited from the speech. Besides, we cannot but deem it important and wholesome, in the present crisis in the history of the Republic, to recall the views upon this subject of those who have in the main moulded our Government and jurisprudence.

It is not intended, however, to test the propositions of the speech by the views of the school of Jefferson, Madison, Randolph and Calhoun, who construed the Constitution conservatively. We shall take the expositions of the liberal constructionists—of Hamilton, Jay, Marshall, and Webster, with which to controvert the asseverations of the speech.

Alexander Hamilton thus announced the rule for determining the constitutionality of a proposed measure:

"If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end, and is not forbidden by any provision of the

Constitution, it may safely be deemed to come within the compass of the national authority."*

Chief Justice Jay announced the same doctrine,† and Chief Justice Marshall declared:

"The Government of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given, or given by necessary implication."‡

"This instrument contains an enumeration of the powers expressly granted by the people to the Government."§

Daniel Webster asserted the same rule. In the "Reply to Hayne" he said:

"The National Government possesses those powers which it can be shown the people conferred upon it, and no more."

"The people erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited Government. They have defined its authority. They have restrained it to the exercise of such powers as are granted."

"It is a Government of strictly limited powers; of enumerated, specified and particularized powers; and whatever is not granted is withheld."||

In his argument in *Gibbons vs. Ogden* he said:

"In conferring powers it [the Constitution] proceeds by the way of *enumeration*, stating the powers conferred one after another in few words; and where the power is general or complex in its nature, the extent of the grant must necessarily be judged of and limited by its object and by the nature of the power."¶

Contrasting the above rule of construction with that applicable to the governments of the States, Mr. Webster, in his letter to the Barings, also wrote: "This general government is a limited government. Its powers are specified and enumerated. The State legislatures, on the other hand, possess all usual and extraordinary powers of government, subject to any limitations which may be imposed by their own constitutions, and with the exception of the operation on those powers of the Constitution of the United States.**

*Works, Vol. IV, p. 113; see, also, *infra*, page —.

†"Writings and Correspondence of John Jay," Vol. III, p. 306.

‡*Martin vs. Hunter's Lessee*, 1 Wheat. 304, 326.

§*Gibbons vs. Ogden*, 9 Wheat. 1.

¶Works, Vol. III, pp. 322, 334, 336.

¶Works, Vol. IV, p. 9.

**Works, Vol. VI, p. 537.

All powers not conferred upon it still remain with the States or with the people.

The leading text writers upon American constitutional law lay down the rule of interpretation as stated by the authorities we have cited.

In Cooley's *Constitutional Limitations* (p. 11), it is said:

"The Government of the United States is one of *enumerated* powers; the National Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess. In this respect it differs from the Constitutions of the several States, which are not grants of powers to the States, but which apportion and impose restrictions upon the powers which the States inherently possess."

In his *"Constitutional Law"* (pp. 29-31), the same learned jurist states:

"The Government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and the test of the powers conferred. * * * It is manifest that there must be a difference in the presumption that attends an exercise of national and one of State powers. The difference is this: To ascertain whether any power assumed by the Government of the United States is rightfully assumed the Constitution is to be examined in order to see whether expressly or by fair implication the power has been granted, and if the grant does not appear, the assumption must be held unwarranted. To ascertain whether a State rightfully exercises a power, we have only to see whether by the Constitution of the United States it is conceded to the Union, or by that Constitution or by that of the State prohibited to be exercised at all."

The doctrine above stated is similarly declared in Hare's *"American Constitutional Law,"* Vol. I, pages 94-5, in Sedgwick's *"Construction of Statutory and Constitutional Law,"* pages 549-551, and in Potter's *"Dwarris on Statutes and Constitutions,"* pages 661-2, and 665. In the learned and highly authoritative work last mentioned, it is explicitly added that there is no discretionary authority in any of the branches of the Federal Government, nor in all of them united to exercise any power whatsoever beyond the "rigid limitations" of the Constitution.

Such are the doctrines announced by the highest authorities upon our Constitutional law. They are the underlying and vital principles of that most important branch of American jurisprudence. Upon the maintenance of these principles the perpetuity of the Federal Constitution de-

pend. The propositions of the speech are utterly subversive and destructive of them, and violate the whole purpose and theory of our written organic law. They set up the doctrine of absolutism as against constitutionalism. No American court and no responsible American statesman has ever given them the least sanction or approval.

The speech, therefore, cannot be regarded otherwise than as a notification to the country that, in its policy regarding the Philippine Islands, the Administration, having set at naught the Declaration of Independence, the Farewell Address, the Monroe Doctrine, and other cardinal political traditions of the Republic, has departed from our fundamental theories of the Constitution as well.

We proceed next to a consideration of the doctrine of "inherent sovereignty," announced in the speech—the first corollary flowing from its newly found rule of construction.

Such a doctrine is wholly unknown to our system of constitutional law. The Government of the United States possesses no "inherent sovereign right" that "exists independent of the clauses" of the Constitution. That Government is sovereign only within the sphere of the powers granted to it by its organic charter. These powers are sovereign powers, and whatever powers *inhere* by implication in the nature and object of the grants of the Constitution are likewise sovereign powers. The authorities cited in the speech establish that and no more. Beyond the grants of the Constitution, or "independent" of its "clauses," there is no inherent sovereignty in the federal Government, no power, no discretion for any purpose. Such is the doctrine of Hamilton, Jay, Marshall and Webster. On the other hand, the construction lately improvised on behalf of the Administration, perforce of which certain desired authority is deduced for the Government from "nationality" and "inherent sovereignty" and from fanciful sources "independent of the clauses" of the Constitution, and by means of which it becomes "quite unnecessary to search the Constitution either for a specific or implied power," is an entirely new vagary in this branch of our political philosophy, and one which in the wildest fancies and aberrations of all the past has never been divined or taken shape before. It is entirely a latter day invention—a pure figment of imperialistic creation. We denounce it as utterly foreign to our traditions, as beyond the widest purview of our constitutional system, as in conflict with the principles of federal government, as

promulgating what every responsible American statesman has denied, as threatening the overthrow of constitutional safeguards, and imperilling the organic law of the Republic. Let us contrast with this recent improvisation the views of the great liberal constructionists of the Constitution as to the nature of the "sovereignty" of the Government created by that instrument.

Alexander Hamilton distinctly disavowed the doctrine asserted by the speech upon this subject. Arguing in behalf of the constitutionality of the United States bank, against the opinions of Jefferson and Randolph that the Government possessed no power to establish such an institution, he declared that the doctrine for which he contended "does not affirm that the National Government is sovereign in all respects, but that it is sovereign to a certain extent, that is to the extent of the objects of its specified powers."*

In response to the objection of Mr. Randolph, the Attorney General, that the right to incorporate a bank could not be implied from the "nature of the Federal Government" because "that rule would beget a doctrine so indefinite as to grasp at every power," Hamilton explicitly stated his views, saying (the italics are his):

"This proposition is not precisely or even substantially that which has been relied upon. The proposition relied upon is that the *specified powers of Congress* are in their nature *sovereign*. That it is incident to sovereign power to erect corporations; and that, therefore, Congress have a right *within the sphere and in relation to the objects of their power* to erect corporations. It shall, however, be supposed that the Attorney-General would consider the two propositions in the same light, and that the objection made to the one would be made to the other. To this objection an answer has already been given. It is this—that the doctrine is stated with this *express qualification*, that the right to erect corporations does *only* extend to cases and objects within the *sphere of the specified powers of the Government*. * * * A particular legislative power implies authority to erect corporations in relation to cases arising under *that power only*."†

Chief Justice Jay elaborately distinguished between the "sovereignty" of European governments and that of Amer-

*Works, Vol. IV, p. 113.

†Works, Vol. IV, p. 116, etc.

119

ican Governments, indicating the circumscribed and limited character of the latter under our Constitutions.*

And Chief Justice Marshall thus compactly expressed the same views, saying of the Federal Government:

"Its powers are unquestionably limited; but while *within these limits*, it is as perfect a government as any other, having all the properties and faculties belonging to a government, with a perfect right to use them *freely in order to accomplish the objects of its institution.*"†

Daniel Webster said: "We mislead ourselves often by using terms without sufficient accuracy or terms not customarily found in the Constitution and laws. The term 'sovereign' or 'sovereignty' does not occur in the Constitution of the United States. It does not speak of the Government as a 'sovereign government.' It avoids studiously the application of terms that might admit of different views; and the true idea of the Constitution of the United States is that powers are conferred on the legislature not by general vague description, but by enumeration. The Government of the United States holds no powers which it does not hold as powers enumerated in the Constitution or as powers necessarily implied."‡

And again: "The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our governments are all limited. In Europe, sovereignty is of feudal origin, etc. But with us, all power is with the people. They alone are sovereign, and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign in the European sense of the word, all being restrained by written constitutions."§

Chief Justice Taney also pointed out, in *Scott vs. Sandford*, the limited extent of the sovereignty of the United States Government, and in *ex parte Merryman*, denying upon the authority of Marshall and Story, that the President possessed the power "in any emergency or in any state of things" to authorize the suspension of the writ of *habeas corpus*, declared: "Nor can any argument be drawn from the nature of sovereignty, or the necessities of government for self-defense in times of tumult and danger. The Gov-

*"Writings and Correspondence of John Jay," Vol. III, p. 456; also 2 Dallas, p. 419, etc.

†U. S. vs. Maurice, Brock. 96; 109.

‡Works, Vol. V, p. 389.

§Works, Vol. III, p. 469; also Vol. VI, p. 222.

ernment of the United States is one of delegated and limited powers. It derives its existence and authority altogether from the Constitution, and neither of its branches can exercise any of the powers of government beyond those specified and granted."

The same views are expressed in language equally decisive by the late Justice Cooley, in his "Constitutional Limitations," 6th edition, pages 39, and 104, and in Potter's "Dwarres on Statutes and Constitutions," pages 330-333.*

Nor do the citations in the address from the opinion of Mr. Justice Gray, in the Chinese exclusion case, declaring the Federal Government to be sovereign in matters of international relations, and from the opinion of Mr. Justice Field, in 130 U. S., 603, in reference to the sovereignty and jurisdiction of the Federal Government over its own territory, and its consequent power to exclude aliens, and from the opinions of Chief Justice Marshall in *Cohens vs. Virginia*, and of Mr. Justice Bradley in 12 Wallace, 457, that in regard to commercial regulations, in making war and peace and maintaining international relations the Government is sovereign and supreme, in the least justify or confirm its propositions. Everyone concedes that as regards all the vast powers, express and implied, granted affirmatively by the Constitution of the federal Government, it is sovereign and supreme.

The doctrine of the address consists in the opposite rule of construction that "as to every matter the United States as a nation possesses sovereign power except only where sovereignty has been reserved," and that any right "not reserved" is "therefore an inherent sovereign right that exists independent of the clauses" of the Constitution. The conclusion that it reaches from such premises—as well as the premises themselves—that the power in question exists without any limitation, and that, as incident to it, therefore, another power is to be deduced equally without limitation, leave altogether out of view the limitations both express and implied, imposed by the provisions, the purposes and the spirit of the Constitution upon the scope and design of every sovereign power that it grants. It is astonishing that it could have been conceived for a moment that the clear decisions of the Supreme Court above referred to contain anything that serve in any degree to sustain the unprecedented propositions of the speech.

*See also Pomeroy's *Constitutional Law*, page 12.

But, indeed, nothing more effectually dissolves the illusory fabric of the extra-constitutional doctrines of the speech than the authorities which are cited in support of them. This is true not only of the cases which we have just remarked upon, but also of the equally remarkable application in supposed aid of the propositions under consideration of the following quotation from Pomeroy's "Constitutional Law," page 29:

"This nation possesses political sovereignty. It may have any organization from the purest democracy to the most absolute monarchy, but considered in its relation to the rest of mankind and to its own individual members it must exist, to the extent at least of enacting laws for itself, as an integral, independent, sovereign society among the other similar nations of the earth."

This obvious failure of the speech to distinguish between the sovereignty of the *People* who form the nation and the restricted sovereignty of their *Government* as meted out by the Constitution might have been avoided, had it been observed that on the preceding page of his excellent treatise Mr. Pomeroy fully points out this elementary distinction.

Another not less striking illustration of the extraordinary use of authority cited in the speech in support of its contentions is found in its quotation from a speech of Mr. Nicholson, delivered in the House of Representatives in 1803. In the passage quoted, it is distinctly set forth that the power of the Confederate Congress to acquire the northwest territory was deduced from the grants in the Articles of Confederation of the right to make war and peace; thence the quotation is continued as follows:

"The present Constitution was adopted, and even a larger portion of sovereignty was surrendered. The right to declare war was given to Congress; the right to make treaties to the President and Senate. Conquest and purchase alone are the means by which nations acquire territory. The one can only be effected by war, the other by treaty, and when the States divested themselves of these powers, and gave them to the general Government, they gave at the same time that right to acquire territory which they themselves originally had."

This is followed by a quotation from Mr. Justice Miller's lectures, also referring to the events of 1803, in these words:

"Congress adopted Mr. Gallatin's theory of *construction* rather than that of Mr. Jefferson and Mr. Quincy. * * * In thus construing the Constitution the statesmen of 1802 only

followed in the footsteps of the statesmen of 1787, who accepted the cession of the Northwest Territory. The question and the doubt with Louisiana grew out of the silence of the Constitution, but the Articles of Confederation were equally silent; nor could the fact that in the one case the cession was made by individual States of the Union, and in the other by a foreign power, affect the nature of the constitutional question. In the one case Congress, and in the other the Executive, assumed that the power of such acquisition was *impliedly given* to a sovereign, though not *in terms delegated*."

Immediately after these quotations, both of which plainly point out that the power in question was implied by the statesmen of the periods mentioned from affirmative grants in the Articles of Confederation and in the Constitution, the speech declares that it has been "shown that a nation has a sovereign inherent and unlimited right to acquire territory, because that is an essential element of nationality, and that to deny it is to deny our nationality. *If this be true it is quite unnecessary to search the Constitution either for a specific or implied power to acquire territory.*"!!!

We enter now upon a consideration of the next important part of the speech, and find it equally without foundation in history, fact or law.

As is well known, Chief Justice Taney* announced the sound and well-supported proposition that territories acquired by the Federal Government are necessarily intended under the Constitution to be admitted into the Union as States, and that there is no power vested by that instrument in the Government to acquire or maintain colonies. In the same case, as will hereafter be noted, it was fully determined that Congress in governing the territories of the United States is subject to the limitations of the Constitution. It therefore became vital to the argument of the speech to discountenance these portions of that decision, and, indeed, to controvert them entirely. In that connection, and immediately after the quotations from Mr. Nicholson and Mr. Justice Miller, and the extraordinary conclusion from the same which we have just referred to, the address proceeds thus:

"I have just read from Mr. Justice Miller that the specific power does not exist, but in the long history of our fear and doubt as to the effect of admitting our nationality, states-

*Scott vs. Sandford, 19 Howard, p. 393.

men and judges have sought specific or implied power in the Constitution. The most ardent States-rights men have admitted its existence under the treaty-making power. Chief Justice Taney alone denied it in the Dred Scott decision. I have not seen a denial that the right existed under the treaty-making power except in the Dred Scott decision, and in the contention of the Senator from Missouri. Chief Justice Taney, in the Dred Scott decision, puts it only on the power to admit new States."

After quoting at this point a paragraph from the opinion of the Chief Justice, the speech continues:

"Chief Justice Taney found no power in the Constitution to acquire territory except in that clause which provides for the admission of new States, and it is because he can find no other clause in the Constitution which provides for acquiring territory that he holds that they cannot be governed as colonies, but must be admitted as States."

These summary statements recall the story of the naturalist who described a crab as "a little red fish that walks backwards." It was pointed out that a crab is not a "fish," that it is not "red," and that it doesn't "walk backward."

Any one who has read the opinion of Chief Justice Taney in the case of Scott vs. Sandford, and who is fairly well informed regarding the opinions of our public men upon important occurrences in our history, knows full well:

1. That Chief Justice Taney did not deny that under the treaty-making power the Federal Government possessed the right to acquire territory.

2. That the right of the Government to acquire territory by virtue of the treaty-making power *has been* denied by a number of the most distinguished patriots and statesmen to whom the country has given birth, including among others Thomas Jefferson, James Madison, John Quincy Adams, Fisher Ames and Daniel Webster.

3. That Chief Justice Taney, in his decision in the Dred Scott case, does not rest the right to acquire territory "only on the power given to admit new States," and that it was not "because he can find no other clause in the Constitution which provides for acquiring territory that he held that they cannot be governed as colonies, but must be admitted as States."

And we may add that the paragraph in question contains the first murmuring lament in the untoward history of the Republic because its "statesmen and judges," during a pe-

riod of "doubt and fear as to the effect of admitting our nationality," in ascertaining the rightful authority of the Government—culpably "sought specific or implied power in the Constitution."

Alas! for the misguided spirits of Jay and Ellsworth, of Marshall and Story. Alas! for Washington and Hamilton, for Adams and Webster! *O tempora! O mores!!*

Chief Justice Taney, we repeat, did not deny that the Federal Government might acquire territory under the treaty-making power. He had occasion in the course of his opinion to enter into a detailed examination of the case of *American Insurance Company vs. Canter*,* and particularly that part of it relating to the acquisition and government of territory by the United States, wherein Chief Justice Marshall distinctly deduces that right from the war and *treaty-making powers*, and declared that the power of governing territory "may be the inevitable consequence of the right to acquire territory." Considering and commenting upon this, Chief Justice Taney, in the *Dred Scott* case says:

"It is thus clear from the whole opinion on the point that the court did not mean to decide whether the power (to govern) was derived from the clause in the Constitution or was the necessary consequence of *the right to acquire*. They do decide that the power in Congress is unquestionable, and in this we entirely concur, and nothing will be found in this opinion to the contrary. *The power stands firmly on the latter alternative put by the court, that is, 'as the inevitable consequence of the right to acquire territory!'*"

When the Chief Justice said subsequently that in his opinion the Federal Government "could not enlarge its territory except by the admission of new States," he simply meant what he stated in almost the next sentence, that "no power is given to acquire a territory to be held and governed permanently in that character."

In fact, the decision of Chief Justice Taney, contrary to the statement of the speech, has always been understood as confirming the power of the Government to acquire territory under the treaty-making grant. For example, Mr. Pomeroy, in his "Constitutional Law" having quoted the decision of Chief Justice Marshall,† to the effect that by virtue of the power to make war and treaties the Government has the right to acquire territory, adds: "The court, in

*I. Peters, p. 511.

†I. Peters, p. 511.

the celebrated case of Dred Scott, distinctly affirmed the same doctrine.*

But, although Chief Justice Taney did not deny the power of the Government to acquire territory by virtue of the treaty-making power, there is no dearth of statesmen in our history who did so.

Thomas Jefferson repeatedly denied the existence of any such power under the treaty-making grant. It is intimated in the speech that Jefferson's objection was only as to the power to admit acquired territory as States. Such is not the fact. The immortal Virginian maintained that there was no power in the Government to acquire or hold any territory in addition to the original domain belonging to the United States when the Constitution was formed. In his letter of August 12, 1803, to Mr. Breckinridge, referring to the Louisiana purchase, he said:

"The *treaty* must, of course, be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But they must *then* appeal to the *nation* for an additional article to the Constitution, approving and confirming an act which the nation had not previously authorized. The Constitution has made no provision for our *holding foreign territory*, much less for incorporating foreign nations into the Union. * * * It is a case of a guardian investing the money of his ward in *purchasing an important adjacent territory*, and saying to him when of age, 'I pretend to no right to bind you, etc.'"[†]

And in his letters written during the same month to James Madison and Levi Lincoln, he definitely outlined the form of the amendment which he considered necessary, framing it specifically to supply the wanted power, as he supposed, to *acquire* the territory in question, thus: "Louisiana, as ceded by France to the United States, is made a part of the United States."[‡]

And in his letter of September 7, 1803, to Mr. Nicholas, of Virginia, he distinctly rejects the suggestion that had been made that Louisiana could be constitutionally obtained under the treaty-making grant, saying: "I had rather ask an

*Pages 309 and 315.

†Works, Vol. IV, pp. 500-1.

‡Idem, pp. 501-4.

enlargement of power from the nation, where it is found necessary, than to assume it by a construction that would make our powers boundless. Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution. If it has bounds they can be no others than the definitions of powers which that instrument gives. * * * Whatever is proper to be executed by way of a treaty, the President and Senate may enter into the treaty. Nothing is more likely than that this enumeration of powers is defective. Let us go on then perfecting it by way of amendment to the Constitution."*

Mr. Madison fully shared the opinions of Jefferson in reference to the want of constitutional power to acquire Louisiana.† The inference from the treaty making power of the right to acquire Louisiana must necessarily have been submitted to him as the leading member of the Cabinet and the chief counselor of Mr. Jefferson. That he repudiated it, and proposed to obtain the needed power from an amendment to the Constitution, which he himself prepared, is well known.‡

John Quincy Adams also denied that grant of the power to make treaties conferred authority on the Federal Government to acquire new territory.

In his celebrated "Diary" he states that he called upon Mr. Madison, the Secretary of State, and declared to him that he thought "it was his duty to move in the Senate an amendment to the Constitution for the carrying through of the Louisiana treaty;" that Mr. Madison replied that "for his own part had he been on the floor of Congress he should have had no difficulty in acknowledging that the Constitution had not provided for such a case as this, and that those who agreed to it must rely upon the candor of their country for justification. To all of which I agreed," the writer continues, "but urged the necessity of removing as speedily as possible all questions on the subject, to which he readily assented."§

Mr. Adams, many years afterward, when he was Secretary

*Idem, pp. 505-6.

†Life of Madison in American Statesmen Series, p. 258.

‡Webster's Works, Vol. V, p. 285; also, Memoirs of John Quincy Adams, Vol. I, p. 267.

§Memoirs of John Quincy Adams, Vol. I, p. 267.

of State under Mr. Monroe, and William Wirt was Attorney-General, described the following conversation between himself and that distinguished man:

"Where was the constitutional power to purchase Louisiana?" asked the Secretary of State.

"There was a power to make treaties," replied Mr. Wirt.

"Aye," answered Adams, "a treaty to abolish the Constitution of the United States."

And, elucidating the last remark in the diary, he adds:

"The Louisiana purchase was, in substance, a dissolution and recomposition of the whole Union. It made a union totally different from that for which the Constitution had been formed. It introduces systems of legislation abhorrent to the spirit and character of our institutions."*

He also referred to the purchase as

"An assumption of implied powers greater in itself and more comprehensive in its consequences than all the assumptions of implied powers in the twelve years of Washington's and Adams' Administrations put together.†

Fisher Ames, whose eloquence had secured the ratification of the Jay treaty, wrote in 1804 concerning the Louisiana acquisition:

"The Administration has prostrated the Constitution, and unconstitutionally annexed to the United States an empire."

"What limits are there to the prerogatives of the present Administration? * * * The Constitution, alas! That sleeps with Washington. Louisiana in open and avowed defiance of the Constitution, is by *a treaty* to be added to the Union; the bread of the children of the Union is to be taken and given to the dogs."‡

Daniel Webster unequivocally considered that the Constitution vested no power whatever in the General Government to acquire and annex territory to the original domain of the Union. He fully shared the opinions of Jefferson, Madison and Adams in reference to the unconstitutionality of the Louisiana purchase.§

From 1837 to 1845 he constantly opposed the annexation of Texas as unconstitutional. In 1837 he showed that the great and leading object of the Louisiana and Florida acquisitions was to obtain the use and control of our great interior rivers to the sea. "Now," he maintained, "the an-

*Ibid., Vol. I, pp. 401-402.

†Ibid., Vol. V, p. 364.

‡Ames' Works, pp. 276, 280, 281, 272-274.

§Works, Vol. V, p. 285.

nexation of Texas to our territory is not necessary to the full and complete enjoyment of all that we already possess. Her case, therefore, stands upon a footing entirely different from that of Louisiana and Florida.*

In 1845 he wrote that the main objection to the annexation of Texas was "want of constitutional power."† And in the Senate, in 1848, he repeated his declaration of the "unconstitutionality of such annexation."‡

In his speech in the Senate of March, 1848, he opposed the annexation of the territory ceded by Mexico as an "outrage upon the elementary provisions of the Constitution."§

And he consistently adhered to his opinions, as above stated, after and despite the decision of Chief Justice Marshall in the case of *American Insurance Company vs. Canter*, although he himself had successfully argued that case before the Supreme Court. From the passages in his works just referred to, it is manifest that he considered the language of the Court in the case mentioned, as to the power of the Government to acquire territory by treaty, limited to the acquisitions of Louisiana and Florida under the vital necessities that impelled their obtainment.||

Moreover, the federalist leaders of New England generally considered that the Government had no power to acquire Louisiana by treaty. Timothy Pickering, Roger Griswold and Josiah Quincy all held that opinion. So generally, indeed, was that view entertained in that section of the country, that the Legislature of Massachusetts resolved that:

"The annexation of Louisiana to the Union transcends the constitutional power of the Government of the United States. It formed a new confederacy to which the States, united by the former compact, are not bound to adhere."

Returning to the passage of the speech under consideration, we say further that it was *not* because Chief Justice Taney could find no other clause in the Constitution for acquiring territory except that which provides for the admission of new States, that he held that territory cannot be governed as a colony, but must be admitted as a State. A different view is distinctly given in the opinion itself. It has already been shown that the Chief Justice affirmed the

*Works, Vol. I, p. 355.

†Correspondence, Vol. II, p. 204.

‡Works, Vol. V, p. 288.

§Works, Vol. V, p. 292.

||See also Works, Vol. II, pp. 551-1337; Vol. III, pp. 207-8; Vol. V, pp. 306-8.

quoting

right of the Government to obtain territory under the war and treaty-making grants. But irrespective of that fact, the opinion plainly reaches the conclusion that the Government cannot acquire or maintain colonies, by an examination of "the provisions and principles of the Constitution and its distribution of powers."

The Chief Justice, in language which completely refutes the assertion of the speech, argues thus:

"As there is no express regulation in the Constitution defining the powers which the general Government may exercise over the person and property of a citizen in a territory thus acquired, the court must necessarily look to the provisions and principles of the Constitution and its distribution of powers for the rules and principles by which its decision must be governed. *Taking this rule to guide us*, it may be safely assumed that citizens of the United States who migrate to a territory belonging to the people of the United States cannot be ruled as mere colonists dependent upon the will of the general Government. The principle upon which our governments rest, and upon which alone they continue to exist is the Union of States, sovereign within their own limits, etc., and bound together as one people by a general Government, *possessing certain enumerated powers, etc., and exercising supreme authority within the scope of the powers granted to it* throughout the dominion of the United States. A power, *therefore*, in the general Government to obtain and hold colonies and dependent territories over which they might legislate without restriction would be inconsistent with its own existence in its present form."

We shall have occasion to show hereafter that the above reasoning of Chief Justice Taney is sustained by many other decisions of the Supreme Court, and is not denied or questioned in any of them.

It is sought, in the next place, to confirm the propositions set forth in the speech, by pointing out that Texas was admitted into the Union, not by treaty, but by a joint resolution of Congress; that our title to Oregon rests upon discovery and occupation as well as upon cession, and our title to the Guana Islands upon discovery and occupation alone; and the opinion of Mr. Justice Gray in *Jones vs. The United States*,* is cited for that purpose.

From what has been said before, it is apparent that these instances of territorial acquisition and the opinion men-

*137 U. S., p. 212.

tioned, do not serve in the slightest degree to support the propositions contended for in the speech. The power to acquire territory being by virtue of numerous grants in the Constitution impliedly conferred upon the Government, it is not to be questioned that the power may be exercised in any of the various ways recognized by the public law of nations. Applying Hamilton's criterion—if the power to accomplish the *end* is conferred by the Constitution on the Government, the right to employ the means to effect that end is necessarily implied. That is all that Mr. Justice Gray in the case referred to decides. He declares in the passage which is relied on in the speech:

"By the law of nations, recognized by all civilized States, dominion of new territory may be acquired by discovery and occupation as well as by cession and conquest."

There is absolutely nothing in this decision, or in the instances mentioned, to show that Congress may exercise any power whatsoever as an element of inherent sovereignty, or independent of the clauses of the Constitution, or that "it is quite unnecessary to search the Constitution either for a specific or implied power to acquire territory."

Returning to its criticism of the Dred Scott decision, the speech continues:

"Mr. President, it is an unfortunate source to which to go for authority. The case has never been referred to in the Supreme Court as authority. It certainly never has in recent years. It has become a hissing and a byword."

The inspiration of this deliverance—*la verite n'a point cet air impetueux*—was doubtless political, and not judicial. Nevertheless, it is difficult to realize that such a statement should be tolerated in the Senate without overwhelming contradiction. It is true that the amendments to the Constitution following the Civil War obviated the effect of the Dred Scott decision as far as it related to the subject of slavery, and so far the decision has been nullified. But in other respects, as the Supreme Court declared in the Slaughter-house Cases,* it stands unreversed, and, contrary to the above statement of the speech, it has been repeatedly referred to and accepted as authority by that august tribunal, both recently and during the whole period that has elapsed since its announcement. We could give many illustrations, but selecting a few of more recent years, we refer to the cases of National Bank vs. County of Yank-

*16 Wallace, p. 72.

ton*; Elk vs. Wilkins;† Civil Rights Cases; Murphy vs. Ramsay;‡ Boyd vs. Thayer,§ and Shively vs. Bowlby.¶ We repeat, that in no case has the decision been rejected or denied.

We now, as against the postulates and conclusions of the address as so far reviewed, assert the contrary proposition that although the express and auxiliary powers conferred by the Constitution upon the general Government are all sovereign powers, they are all nevertheless limited and controlled by the scope and objects of the Constitution to be gathered from the provisions, the structure, the principles and spirit of that instrument. Such, it will be recalled, was the doctrine maintained by Hamilton, Marshall, Webster, and the other authorities which we have had occasion to refer to, and as far as our researches have advised us, this doctrine has never before been questioned or denied.

The opinion of Chief Justice Taney in the Dred Scott case to the effect that the Federal Government has no power to maintain colonies, governing their inhabitants with discretionary authority, proceeded upon the theory of constitutional law which we have just asserted, and his decision in the particular mentioned is fully sustained by the history and principles of the Constitution, and by the decisions of the Supreme Court. As has already been indicated, the Chief Justice in that case, reasoning from the provisions, scope and structure of the Constitution, reached the conclusion mentioned, determining from all those sources that the purpose for which the Constitution authorized the general Government to acquire and rule territory was its ultimate admission as a State into the Union.

In this conclusion both Mr. Justice McLean and Mr. Justice Curtis concurred with the Chief Justice, the former declaring:

"In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit: so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be

*101 U. S., 129 (1897).

†112 U. S., 101 (1884).

‡109 U. S., 30 (1883).

§114 U. S., 45 (1885).

¶143 U. S., 159 (1892).

||152 U. S., 49 (1894).

claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers."

And Mr. Justice Curtis said of the power of Congress over the Territories:

"I cannot doubt that this is a power to govern the inhabitants of the Territory, by such laws as Congress deems needful, until they obtain admission as States."

It is a striking fact that Chief Justice Marshall, in a memorable opinion finds the sole and entire defense of our system of territorial government in the same doctrine, namely, that territory held and governed by Congress is held and governed under the Constitution to be admitted into the Union as States. The decision to which we refer is the one delivered by the Chief Justice in the case of *Loughborough vs. Blake*.^{*} In that case it was contended that the citizens of the District of Columbia, not being represented in Congress, could not be subjected to direct taxation, which the Constitution provides shall be apportioned, like representatives, among the several States according to their respective numbers. It was claimed that if the United States could impose direct taxes upon citizens residing out of the States of the Union, and having no representation in the Government, such was clearly a case of "taxation without representation," which the colonies made the chief cause of revolt against Great Britain. The question was here unmistakably presented as to whether the Constitution contemplated or permitted a colonial system. Chief Justice Marshall having held that direct taxation could be applied to the District and to the Territories as well, found the reply to the above question in the fact that Statehood was the end necessarily intended and marked out by the Constitution for the Territories of the United States. He declared (p. 324):

"The difference between requiring a continent with an immense population to submit to be taxed by a government having no common interest with it, separated from it by a vast ocean, and associated with it by no common feelings, and permitting the representatives of the American people, under the restrictions of our Constitution, to tax a part of the society, which is in a state of infancy advancing to manhood, looking forward to complete equality as soon as that state of manhood shall be attained, as is the case with

^{*}5 Wheaton, p. 317.

the Territories, is too obvious not to present itself to the minds of all."

This constitutional limitation of ultimate Statehood for the Territories of the United States is asserted with equal force in other decisions of the Supreme Court.

During the interim between the decision in *Loughborough vs. Blake* and that in *Scott vs. Sanford*, that tribunal had distinctly announced the same doctrine in the important and instructive case of *Pollard's Lessee vs. Hagan*,* and that case was in that particular fully affirmed in 1893 in the case of *Shively vs. Bowlby*,† in which the court asserted:

"The territories acquired by Congress, whether by deed of cession from the original States, or by treaty with a foreign country are held with the object as soon as their population and condition justify it of being admitted into the Union as States, upon an equal footing with the original States in all respects, and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and as this court has often said, in trust for the future States."

In the same case the court summing up its conclusions, adds (p. 57):

"Upon the acquisition of a territory by the United States, whether by cession from one of the States or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people, and in trust for the several States, to be ultimately created out of the territory."

In *Murphy vs. Ramsay*,‡ to the same effect it was said:

"The power of Congress over the territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union."

The same doctrine is distinctly laid down by Mr. Justice Field in *Weber vs. Harbor Commissioners*,§ and it is notable that all these later decisions contain express references to the *Dred Scott* decision for the propositions they announce.

The views of the late Mr. Justice Cooley fully coincide with those above stated. In his *Constitutional Law*,|| he says:

"It could never have been understood that any territory

*3 Howard, pp. 221-3.

†152 U. S., p. 49.

‡114 U. S., p. 45.

§18 Wallace, p. 65.

||Pages 169-170.

which by purchase, cession or conquest should at any time come under the control of the United States should permanently be held in a territorial condition, and the new States which have been formed of territory acquired by treaty must be supposed to have been received into the Union in strict compliance with the Constitution."

He cites *Scott vs. Sanford*,* and continues:

"And when territory is acquired, the right to suffer States to be formed therefrom and to receive them into the Union must follow of course, not only because the Constitution confers the power to admit new States without restriction, but because it would be inconsistent with institutions founded on the fundamental idea of self-government, that the Federal Government should retain territory under its imperial rule and deny the people the customary local institutions."

The same learned authority, distinguishing as did Chief Justice Marshall, between the Territories of the United States and the American colonies under Great Britain, points out that.

"There are differences which are important and, indeed, vital. The first of these is that the territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the territories, while it continues, are assured of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable; while the British colonial system contained no provision or assurances of any but a dependent government indefinitely."†

Besides being thus embodied in the jurisprudence of the country, the doctrine in question is fully supported by our political philosophy.

Edward Everett finely points out "the inherent incongruity of colonial government with the principles of constitutional liberty." He analyzes that form of government and shows that "in its very nature it is inconsistent with the requirements of constitutional freedom, either to the colony or the mother country," and that it "obstructs the growth of liberty in the colonies and favors the growth of arbitrary power in the mother country."‡

Professor James Schouler, the jurist and historian, presents the same views, stating that it is hostile to our system

*19 Howard, p. 447.

†Page 36.

‡Everett's Works, Vol. I, p. 530; also Vol. II, p. 489.

of union and government to hold territory as a province, its citizens having inferior rights. He points out that "in every case of annexation thus far, except that of Alaska with its trivial population, the annexation under the original provisions of the Constitution has been of territory adjacent to the United States." "It ought not to be readily granted," he concludes, "that the present Constitution permits distant and populous countries to be thus added."*

Daniel Webster on this point expressed the same opinion. Said he:

"In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—one people, one in interest, one in character and one in political feeling. If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukraine and the provinces of the Caucasus and Kamtschatka by different codes, ordinances or ukases. We can do no such thing. They must be of us, part of us, or else strangers."†

Mr. Calhoun, also, in opposing the annexation of Mexico to the Union, pointed out plainly that it would be impossible to incorporate that territory into the Union, or to admit it as a State. He showed that, if annexed, it would have to be ruled as a dependent province or colony, which, he declared, would be totally incompatible with the Constitution, and in the end subversive of our free institutions.‡

It is in vain for the speech to suggest that in the proposed acquisition and government of the Philippine Islands, it is not intended to have "colonies." It is the substance and not the name that is important. No one, it is presumed, would pretend to disguise the fact that the policy upon which the Administration has entered in respect to the Philippines is one of colonial expansion. It would be utterly futile to assert that these large enterprises in the East and in the tropics are for the admission of new States. On the contrary it cannot be doubted that the Supreme Court must have had in mind precisely such schemes as the one we are considering when it used the language heretofore quoted.

*Hist. of U. S., Vol. II, p. 50.

†Works, Vol. V, p. 300.

‡Works, Vol. 4, pp. 405-415. See, also, Woolsey's *America's Foreign Policy*. New York, 1898; p. 107.

The vast distance of the islands in question from the central government, their scattered and insulated condition, the numbers and semi-barbarous condition of their population, the rude, primitive state of civilization in which these masses of beings exist, their unwillingness to submit to our dominion, the necessity for military occupation and patrol—all these circumstances and others besides impress upon these projects the unmistakable earmarks of colonization, and of imperial colonization at that. The governments which Congress might erect in these distant islands would differ in radical respects from the territorial governments heretofore established by us upon this continent. The first settlers in the latter have always been our own citizens, insufficient in number to form and maintain a government of their own. They were obliged to look to the United States to form governments for them and to defray the costs of conducting the same. It required comparatively little time until sufficiency of population entitled them to admission into the Union. No one ever dreamed of a military force to keep them in subjection or to maintain the territorial government, to do which it was never necessary to contend that our Government is half constitutional and half despotic. The case will be entirely different with these Asiatic provinces that contain a numerous, rebellious and warlike population, sunk in barbarism, superstition and ignorance and utterly unused to the practices of citizenship.

When governments are erected over them it will be necessary to have powerful armies to maintain them and to hold these races in obedience to our authority. It matters not how we designate such provinces. They would in reality be colonies and dependencies, involving the country in all the dangers, difficulties and obligations of holding and ruling them in that condition. Nor is it possible to discern any termination of such a state of things. From corresponding examples in cases of English, French and Russian dependencies, it would be safe to conclude that the Filipinos, Malays, Tagals and Negritos of the tropics will never be reconciled to our diminution or capable of exercising the rights or discharging the duties of citizenship under our Constitutional Republic.

We now come to the culmination of the speech, wherein it seeks to establish that the power of the United States Government over the citizens of all territory held and acquired by it is unlimited.

It has been settled by the Supreme Court that even inde-

pendent of express stipulation by treaty the allegiance of inhabitants of territory acquired by the United States is *ipso facto* transferred to the United States. According to Chief Justice Marshall, "The same act which transfers their territory transfers the allegiance of those who remain in it;"* and Chief Justice Fuller† declared that, "The nationality of the inhabitants of territory acquired by conquest or cession, becomes that of the government under whose dominion they pass."

When allegiance and nationality are thus imposed upon the inhabitants of acquired territory, it is presumed that there can be no doubt that they, thus subjected to the obligations of citizens, become in every respect citizens of the country by which their territory is acquired.

In the portion of the speech which we now proceed to consider the doctrine is maintained that Congress may rule the citizens of the territories of the United States, free from the limitations of the Constitution, and with absolute and arbitrary authority.

In this instance, as in previous ones, none of the authorities and quotations which the speech refers to, supports the proposition mentioned, with the exception apparently of two sentences contained in a brief quotation from a speech delivered by Daniel Webster in the Senate in August, 1848. The quotation referred to is as follows:

"As to the power of Congress, I have nothing to add to what I said the other day. Congress has full power over the subject. It may establish any such government and any such laws in the Territories as in its discretion it may see fit. It is subject, of course, to the rules of justice and propriety, but it is under no constitutional restraints."

In the first sentence of the above paragraph, Mr. Webster, it will be noted, refers to remarks made by him on the same subject "the other day." The remarks referred to by him are not contained in any of his published works. But in Mr. Calhoun's speech of February 24, 1849, in the Senate, on the subject in question, Mr. Webster is clearly represented—without any dissent from him, although he was present and interrupted Mr. Calhoun frequently in connection with other statements made by the latter during his speech—as having held that in all its fundamental principles the Constitution must be regarded as applying to the Territories.

*1 Peters, p. 511.

†Boyd vs. Thayer, 114 U. S., p. 159.

Mr. Dayton, of New Jersey, and Mr. Hale, of New Hampshire, had contended that the Constitution did not extend to the Territories. Mr. Calhoun, in the course of his reply, said:

"The gentlemen have placed us upon high ground by the admission that their only means of putting their claims above us, is to deny the existence of the Constitution in California and New Mexico.

The Senator from Massachusetts [Mr. Webster] *in part* indorsed the proposition. *He qualified it, however, by saying that all the fundamental principles of that instrument must be regarded as having application to the Territories.*"*

Without further commenting upon the authorities referred to in the speech in this connection, we submit that it has been conclusively adjudicated by the Supreme Court, and is maintained by leading writers upon our Constitutional law, that the Constitution applies to the Territories, and that in legislating for them Congress is subject to its limitations.

We cite first Pomeroy's "Constitutional Law," section 492, wherein that learned author thus discusses the subject:

"But is Congress absolute over these districts or territories? Is it like the British Parliament bound by no limitations save those which are self-imposed? This cannot be; nor does the language of the Constitution require a construction so much opposed to all our ideas of civil polity. The safeguards of individual rights—those clauses which preserve the lives, liberty and property of the citizen from the encroachments of arbitrary power—must apply as well to that legislation of Congress which is concerned exclusively with the District of Columbia, or with the Territories, as to that which is concerned with the States. The reasoning which leads to this conclusion is irresistible. A bill of rights is certainly no less important for the District of Columbia, and for the Territories than for that portion of the nation which is organized into States. If it were thought necessary that Congress should be hedged round with restrictions while it is legislating for the inhabitants of States, who may be partially protected by their local governments, how much more necessary that the same body should be restrained, while legislating for the inhabitants of those districts and Territories over which it has an exclusive control. The mandatory clauses of the first eight

*Works, Vol. IV, p. 537.

amendments are clothed in the most general language, they make no exceptions; they apply to Congress in the exercise of all its functions; in general terms they cover its legislation for the District of Columbia and for the Territories as well as for the States. These clauses must therefore be compulsive upon Congress when it makes laws for the District or for the Territories, unless the general language in which they are framed is modified by the particular language of the provisions which especially relate to the District and to the Territories. There is evidently nothing contradictory between these provisions and the general restrictions of the Bill of Rights."

In section 238 of the same work, the author declares that the first eight amendments "are binding with equal force upon the legislative, the executive and the judiciary," and that:

"Furthermore, as the clauses in question are mandatory and peremptory in their nature, and directed at once to each branch of the Government, they require no statute of Congress, decision of Judge, or act of President to execute them and give them binding efficacy. They executive themselves without the aid of an inferior law. Any proceeding of the Government in derogation of their command would be void; any proceeding declaratory would be useless."

Mr. Justice Cooley, in his *Constitutional Law*, pages 36-7 and page 18, lays down the same doctrine.

These propositions were also passed upon by Chief Justice Marshall in *Loughborough vs. Blake*.^{*} In that case, as has been before intimated, the question was whether an act of Congress imposing a direct tax upon the citizens of the District of Columbia was constitutional. It was contended that as the Constitution conferred on Congress the power "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia, that only in the character of a local legislature for the District, and for District purposes only, could Congress impose direct taxes upon its citizens. The Chief Justice, however, held that the general power of Congress to lay and collect taxes, duties, imports and excises extends to all places over which the Government extends, including the District of Columbia and all the Territories of the Union, as well as to the States, and that direct taxes may be apportioned among all. The court said:

"The power, then, to lay and collect duties, imposts, and

^{*}5 Wheat., 317.

excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously co-extensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States."

It is apparent that in thus holding that direct taxes can be imposed upon the territories, and that the provision of the Constitution requiring uniformity in taxation also applies to them, the Court must be understood as having ruled that the express limitation of that instrument regarding the manner in which direct taxes shall be levied is likewise applicable to the Territories.

In the same case the Court pointed out that from the nature of the organization of the Government under the Constitution, particularly in its provisions for selecting federal officers, it is apparent that there are a large mass of political subjects which that instrument restrains Congress from legislating upon in regard to the District of Columbia. For example, Congress could not authorize the people of the District to elect and send a representative to the House, or to the Senate, or to appoint Presidential electors. This limitation also obviously applies to its legislative powers over the Territories. If Congress is thus limited on the exercise of its exclusive legislative powers by restraints impliedly imposed by the Constitution upon it, how much more it is restricted by the express limitations of that instrument imposed upon it in mandatory terms containing no exception.*

In the early days of the Republic the first Judges of the Supreme Court had announced substantially the same principle as that above quoted from Chief Justice Marshall. In the case of *United States vs. More*† it was declared:

*Pomeroy's Cons. Law, pp. 310-313.

†3 Cranch, 160 n.

"The Constitution was made for the benefit of every citizen of the United States, and there is no citizen, whatever his condition, or wherever he may be, within the territory of the United States, who has not a right to its protection."

Upon the point under consideration the language of the Dred Scott decision is explicit and decisive. Chief Justice Taney declared:

"The power of Congress over the person and property of a citizen can never be a mere discretionary power under our Constitution and form of government. The power of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when territory becomes a part of the United States the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it cannot when it enters a territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States and the duties its owes them under the provisions of the Constitution. The Territory being part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out, and the Federal Government can exercise no power beyond what that instrument confers, nor lawfully deny any right which it has reserved. * * *

The powers over persons and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extends to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under territorial government as well as that covered by the States."

In these propositions Mr. Justice Curtis concurred.* They have also, as we shall see, been frequently affirmed by the Supreme Court, and Mr. Pomeroy in his Constitutional Law† says of this part of the opinion of the Chief Justice:

*3 Howard, pp. 614 and 624.

†Page 317.

"The position assumed by the Court that Congress in the exercise of its legislative function for the Territories is bound by the restrictive clauses of the Bill of Rights, cannot be successfully attacked. Indeed, it can make no difference whether that body proceeds under the express grant of Article IV, or under its power implied in the capacity to acquire and hold additional soil. In either case, it is equally hedged round and trammelled by the safeguards of individual rights that are contained in the first eight amendments."

The doctrine has also been enunciated in recent decisions of the Supreme Court oftentimes with express reference to the Dred Scott case.

In *Murphy vs. Ramsay** the Supreme Court declared:

"The people of the United States as sovereign owners of the national Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated *subject only to such restrictions as are expressed in the Constitution, as are necessarily implied in its terms, or in the purposes and objects of the power itself.* * * * The personal and civil rights of the inhabitants of the territories are secured to them as to other citizens by the principles of constitutional liberty which restrain all the agencies of government, State and National."

In *National Bank vs. County of Yankton*,† the court, by Chief Justice Waite, on page 133, asserted:

"All territory within the jurisdiction of the United States not included within any State, must necessarily be governed by or under the authority of Congress. * * * The organic law of the Territory takes the place of a Constitution as the fundamental law of the local government. * * * But Congress is supreme and for the purposes of this departmental authority has all the powers of the people of the United States, *except such as have been expressly or by implication reserved in the prohibitions of the Constitution.*"

In *Reynolds vs. United States*,‡ the same distinguished Chief Justice held that both the First and Sixth Articles of Amendment to the Constitution applied to the Territory of Utah. The court declared in that case (page 154):

"By the Constitution of the United States (Amend. VI)

*114 U. S., p. 45.

†101 U. S., p. 129.

‡98 U. S., p. 145.

the accused (a citizen of the Territory of Utah) was entitled to a trial by an impartial jury."

And (page 162):

"Congress cannot pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first Amendment to the Constitution expressly forbids such legislation. The question to be determined is whether the law now under consideration comes within this prohibition."

In the case of *Springville vs. Thomas** it was held by the court through Chief Justice Fuller that an act of Congress empowering the local legislature of the Territory of Utah to provide that verdicts in civil cases might be rendered by less than the whole number of jurors was unconstitutional as violating the Seventh Amendment of the Constitution. The Chief Justice said:

"In our opinion the Seventh Amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common law cases, and the Act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so."

The Chief Justice also declared: "It has been decided by the court that the Territorial Act of March, 1892, permitting this [i. e., judgments to be entered on verdicts returned by less than the whole number of jurors], was invalid because in contravention of the Seventh Amendment of the Constitution and the Act of Congress."

In the passage last quoted he referred to the case of *American Publishing Company vs. Fisher*,† in which the court per Mr. Justice Brewer held (pages 467-8):

"Either the Seventh Amendment to the Constitution, or these act of Congress, or all together secured to every litigant in a common law action in the courts of the Territory of Utah, the right to a trial by jury, and nullified any act of its legislature which attempted to take from him anything which is of the substance of that right."

In the case of *Thompson vs. Utah*,‡ the court declared:

"That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States *is no longer an open question.*

"It is equally beyond question that the provisions of the

*166 U. S., 707.

†166 U. S., p. 464.

‡170 U. S., p. 343.

National Constitution relating to trials by jury for crimes, and to criminal prosecutions apply to the Territories of the United States."

In *Callan vs. Wilson*,* which was a criminal prosecution by information in the Police Court of the District of Columbia, the accused claimed that the right of trial by jury was secured to him by the Third Article of the Constitution, as well as by the Fifth and Sixth Amendments. The court held that the Article and Amendments of the Constitution referred to applied to the District of Columbia, saying in part:

"There is nothing in the history of the Constitution or of the original Amendments to justify the assertion that the people of the District may be lawfully deprived of the benefit of any of the constitutional guarantees of life, liberty and property. * * * We cannot think that the people of this District have in that regard less rights than those accorded to the people of the Territories of the United States."

In the comparatively early case of *Webster vs. Reid*,† the court held that an act of the Territory of Iowa dispensing with a jury in a certain class of common law actions was a violation of the Seventh Amendment to the Constitution, and therefore void. That the court in that case unquestionably held that the Constitution applied to the Territories has been expressly declared in cases above referred to.‡

It is finally submitted that the force of the above decisions as conclusively establishing that the limitations of the Constitution apply to the Territories is not affected by the vague expression contained in the opinion of Mr. Justice Bradley, as follows:§

"Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions."

We shall content ourselves with the authorities above re-

*127 U. S., p. 540.

†11 Howard, p. 437.

‡*Thompson vs. Utah*, 170 U. S., p. 346; *Publishing Co. vs. Fisher*, 166 U. S., p. 466; *Callan vs. Wilson*, 127 U. S., p. 550.

§ *Mormon Church vs. The United States*, 136 U. S., p. 44.

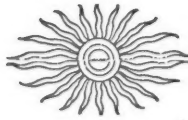
ferred to, and add nothing in regard to the follies and perils of the absolutist doctrines and aims of the Administration, as represented in the speech which we have reviewed. The grave dangers with which those doctrines are fraught cannot be mistaken or under-estimated if the Constitution itself be taken up and its inhibitions considered. For example, the Constitution declares: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to assemble," etc.; that "no soldier shall, in time of peace, be quartered in any house without the consent of the owner;" that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury," etc.; "nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation;" that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," etc., etc.; that "excessive bail shall not be required, nor cruel and unusual punishments inflicted;" that "no title of nobility shall be granted by the United States," and so forth.

If the powers of Congress over the Territories of the Union are discretionary, absolute, untrammelled by the above restraints of the fundamental law, as maintained in the speech, what is to prevent that body from violating all those safeguards of personal and civil rights. What limits can be assigned to its power? What security has the citizen of the United States living in its territory against the encroachments of arbitrary dominion? What could restrain a dominant faction in Congress from establishing the President as Emperor or King over newly-acquired territory, and investing him with all the prerogatives of oriental despotism.

Against this infatuated departure from the great doctrines of constitutionalism, we caution the people of the Republic that their welfare and safety, and the welfare and safety of their free institutions, are vouchsafed alone by the written law. We admonish them that their Government cannot endure half constitutional and half despotic. We warn them that the principle of absolutism once admitted, by which the Government created by the Constitution becomes lifted above its solemn declarations and restraints, heralds the ultimate doom of the Republic. And we adjure the Adminis-

tration, as departing from all the old constitutional landmarks, it drifts farther and farther upon the seas of absolutism toward the rocks upon which all free States have foundered, to listen to the voices of the fathers of the Republic, calling out, as did the pilots of classic days,

"Nimirum haec illa Charybdis."



STONEWALL JACKSON.

By Randolph Barton.

1. *Stonewall Jackson and the American Civil War.* By LIEUTENANT-COLONEL G. T. R. HENDERSON, Major in the York and Lancaster Regiment, Professor of Military Art and History in Staff College. In 2 volumes. Longmans, Green & Co., London and New York: 1898.

AN English military critic, reviewing General Longstreet's book, "From Manassas to Appomattox," says "the reminiscences of soldiers who have seen much active service are always fascinating reading. Even if the writer played but a minor part in some famous campaign, the realistic touches of a personal narrative give a life and spirit to the picture of events which is necessarily absent from more elaborate compositions." And so we have thought, after reading Lieutenant-Colonel Henderson's captivating life of Stonewall Jackson, if in its preparation he was compelled to take so much of his material second-hand, how intensely interesting his work would have been if he had been thrown in close contact with the subject of his memoir in his private life and military career. From sources which he has diligently followed, he has from time to time enlivened his books by incidents in the life of the great soldier which bring the man more and more before the reader with the interesting touch of familiarity,—but yet there is wanting the eyes that have seen him and the hands that have touched him.

We almost feel the yearning that must have possessed Colonel Henderson, as time and again he bursts into enthusiastic praise of General Jackson, to have been with him, to have looked upon the face rejoicing in the approach of battle, bracing for the awful clash, and following the well-delivered blow with the fierceness of a Nemesis. But these advantages were denied the writer, and his work was built upon the next best data, a visit to the country over which Jackson fought, a diligent correspondence with those who still live to tell what they saw, and a conscientious study of

his life and campaigns as recorded by many who have written about him.

With the true English belief in genealogy, Colonel Henderson has not been satisfied to present the distinguished soldier upon the stage as one born in armor, but goes back infinitely further than General Jackson would have gone, or any one would have gone for him, but for the marvelous change in the part he played in the affairs of his nation, to show of what sturdy stock he came. He is not content to treat his subject with the eye of a sculptor. It was not his intention merely to give to his subject a lively and express image. His task was to dissect the character and achievements of General Jackson to their inmost recesses, and to lay bare before us all the springs of motion and all the causes of his great superiority as a man in the walks of civil and military duty.

To the Southern people, and especially to his cotemporaries, this delineation of General Jackson will stand as a monument. Coming as it does from a highly accomplished officer of the English army, it is a distinction won by no other soldier of either Federal or Confederate forces. We have often wondered that some Northern military writer, who excels in the treatment of commanders and armies—Mr. John Codman Ropes, for instance—has not taken upon himself, from his point of view, the treatment of some such strong character as General Jackson. We believe that such a writer, animated as he evidently is by the spirit of the historian rather than of the eulogistic biographer, could fill a void in the history of the greatest shock this nation has ever felt. We believe it is almost without precedent for the life of the idol of one side to be written by a hostile hand, and just for this reason would it be the more interesting. The public mind likes nothing better than to hear the other side, and so it happens that Colonel Henderson has assumed what is almost the duty of some Northern writer. It is safe to say that a review of General Jackson, even from the pen of an enemy, would be read with the greatest interest.

We all, moved by various reasons for so doing, turn back to the early days of those who reach the high points among men. Curiosity perhaps is the main incentive. The vicissitudes of life are always entertaining, whether they manifest themselves in a great bound into distinction or in a horrible plunge to obscurity, and so even the deadly dull life of General Jackson as a boy absorbs us; his youthful trials and reverses, the counterpart of which are to be seen every day,

nevertheless hold our attention, and with the brilliant contrast of his later life, lead us through pages of commonplace experience with undiminished interest.

Perhaps at no time in General Jackson's life was his obscurity more complete than during the few years immediately preceding the Civil War. The opportunity, even to those gifted with greater personal attractions, to win distinction was very narrow. Lexington depended for its redemption upon the intelligence and hospitality of its citizens and the beauty of its surroundings. Its remoteness from what we know now as the active world, its inaccessibility to anything cheering but the sun, its peculiar fitness for the life of a student, barely gave it a claim to a name upon the map of the country. General Jackson in this quiet village walked upon a very tread-mill. He had for ten years moved, but not advanced an inch. In 1861, to all appearances, a blank wall rose before him. His pleasure consisted in his wife, his quiet home, his Presbyterian Church and his Sunday School classes (one colored), and *possibly* the belief that he had the respect of the little community in which he lived. He certainly did not have their admiration. His personal qualities furnished nothing specially attractive or particularly unattractive. He was a neutral. He gave no offence, and except to his immediate and very small family (he had then no children) he gave no pleasure. As we recall him, morning after morning, not varying a moment from week's end to week's end, striding down from the village to the barracks of the Virginia Military Institute, where the writer was a cadet in 1860-61, we feel the depressing sensations of a succession of cold, gray, cheerless November mornings. His action during the day when at the barracks was absolutely mechanical. He had little talent for teaching. He was quite deaf, and in movement and figure ungainly. His countenance was noble, and his features were good. But his singularity of life and manner brought upon him more than the usual jests and tricks of the cadets. He was called "Hickory," "Old Jack," and "Square box," from the unusual size of his feet. Not infrequently would the black-board in his "section" room be decorated with a drawing of an enormous foot. If he happened to leave the barracks on his return to the village when the corps was waiting for orders to fall in ranks, it was not an unusual circumstance for some dare-devil cadet to close in behind him and follow him in lock-step, to the great amusement of the corps. Major Jackson, never turning his head, and apparently ob-

livious to the close proximity of the daring student, would march on as if absolutely alone. The writer has seen a class seated around him in a horseshoe curve, the heels of which were a trifle behind him, and while he was intently watching the reciting cadet, those at the heels of the curve would be bombarding each other over his head with paper pellets. On the drill ground the light pieces of artillery being drawn in their evolutions by cadets, a favorite trick was to whirl the gun on Major Jackson in order to force him undignifiedly to skip about for a safe place. It is said that seeing through the joke on one occasion, bracing himself, he held his sword pointed towards the rapidly advancing team and forced a deflection without moving from his tracks.

No one recalls a smile, a humorous speech, anything from him while at the barracks. He was not sullen, or gloomy, or particularly dull. He was simply a silent, unobtrusive man, doing his duty in an unentertaining way—merely an automaton. And yet the cadets held him in high estimation. There was no enthusiasm felt for him. The feeling was one which no one could well describe. He was not praised; he was not abused. He was the butt of boyish pranks, but not the victim of malevolence. It was known that when the opportunity occurred in the Mexican war, he had displayed great courage. All were convinced, as if by intuition, that he would display it again if the occasion for it arose. The boyish mind, without definitely analyzing Major Jackson's make-up, knew that something more than common lay beneath that calm and serene exterior. The writer turns to a "scrap book" kept by a cadet at the Institute in 1855, and finds this doggerel:

"HICKORY, ALIAS MAJOR T. J. JACKSON."

"Like some rude brute that ranged the forest wild,
So rude, uncouth, so purely Nature's child,
Is 'Hickory,' and yet me thinks I see
The stamp of genius on his brow,
And he, with his wild glance and keen but quiet eye,
Can draw forth from the secret recesses where they lie
Those thoughts and feelings of the human heart.
Most virtuous, good and free from guilty art,
There is something in his very mode of life
So accurate, steady, void of care or strife,
That fills my heart with love for him who bears his honors meekly,
And who wears the laurels of a hero."

And this about expressed the sentiments of the entire corps. The lines are devoted to a diagnosis of Major Jack-

son alone, but they occur in a review of the "Faculty of the V. M. I.," and the singular penetration of the author would be more interesting if propriety would permit the publication of the very strong contrast in the opinion of the composer between Jackson and the other professors.

And thus we get a glimpse of the man unknown and unhonored, save in a very small circle, down to the spring of 1861, when war between the States became imminent. Up to probably April, 1861, the citizens of Lexington were strongly Union in sentiment, while the cadets were all ardent secessionists. This difference of opinion came near resulting in a bloody fracas, and after the cadets had returned to their barracks and quiet had been restored a corps meeting was called to listen to addresses on the situation from the professors. After several had spoken Major Jackson remained seated, and was only aroused by a continuous demand from the cadets for a speech. This was the first symptom of what was to come. Instinctively those glowing youths knew that the man of war was now to have his opportunity, and turning from the more attractive oratory of the other professors they would have nothing but a speech from the silent man who for so many years had afforded them so much amusement. With unaffected diffidence Major Jackson slowly arose, and turning to his youthful audience, said: "Gentlemen, I am a man of few words; when the time for fighting comes, I draw the sword, and throw away the scabbard"—and then sat down.

The thrilling effect of those words is felt by the writer to this day. They touched the heart of every boy who heard them, and men now gray will tell of the enthusiastic cheers which drowned all further speeches. Jackson had taken his step towards immortality.

And now we have some faint idea of the man whose wonderful career seems to have fascinated Colonel Henderson.

We have dwelt somewhat at length upon this period of General Jackson's life, because we think if Colonel Henderson's treatment of his subject is lacking at all, it is in not picturing with quite enough vividness the contrast between the man of 1860 and the man of 1863. Fate was so gradually but so surely enveloping him in darkness; his life was so like the dull flint until opportunity struck the spark, that the marvel of his genius, so nearly buried, becomes the more brilliant when we realize the bound he made from the school teacher to the greatest figure produced in the Civil War, General Lee in some respects excepted. But of General Lee

much was expected, and much was realized. His life for years before 1861, military and social, had been so different from Jackson's; he was so widely known; his family had for so long a time held so high a place in the history of the developing country, that his immediate accession to high rank in the Southern army and his splendid abilities as a soldier, were regarded as matters of course. But with General Jackson the case was very different. At one time the army in front of Fredericksburg was under his command, General Lee being in Richmond or sick, and General Longstreet being south of Richmond towards Suffolk. The writer recalls the trace of uneasiness that manifested itself among the men at that time, and this even after the splendid exhibition of ability General Jackson had shown in the campaign of 1862. And so it happened that the great peculiarity of General Jackson's case as a soldier was the almost unexpected and sudden development of his surpassing genius for just the kind of warfare it fell to his lot to wage.

When Colonel Henderson speaks of the untiring energy of the man, the writer is reminded vividly of a scene he witnessed on what was known as the "Bath" or "Romney" expedition in January, 1862. About dusk on the day preceding the return of the army from the advanced point which overlooked Hancock, Maryland, one of the baggage wagons sank so deep in the mud that the straining horses were powerless to move it. Jackson was in the neighborhood, and at once dismounted, and, seizing the spokes of a wheel, aided the men to lift the wagon from the rut into which it had deeply sunk. The writer recalls the mutter of a colonel who was looking on: "Yes, that is the business he ought always to be at."

It may well be thought that Jackson was the most energetic, enterprising and indomitable man in the Confederate army. When he almost testily replied to the despairing cry of the gallant Bee at First Manassas, "General, they are beating us back." "Then we will give them the bayonet," his courage knew no bounds. When during that battle his staff officer, the writer's uncle, who lost his life before Richmond gallantly leading his regiment, despairingly remarked, "General, I fear the day is against us," and he almost angrily replied, "If you think so, you should not say it," his indomitable will was asserting itself.

Colonel Henderson passes in natural order from the picture of Jackson the professor to Jackson the rock upon which the Federal army split at First Manassas. The writer

was in that battle as sergeant major of the 33d Virginia Infantry, which at that time, composed of eight companies, was commanded by Colonel Arthur C. Cummings, who still lives, the only surviving regimental commander of the Stonewall Brigade as it was organized in July, 1861. In September, 1896, Colonel Cummings in a letter says, that as Griffin's and Rickett's batteries descended from the elevation west of the Warrenton turnpike following the Sudley Mills road to gain the hills on which the Henry and Robinson houses are situated—supported in their movement by the powerful Federal Infantry—General Jackson rode quietly along the line of his brigade and cautioned his officers to withhold their fire until the enemy had approached "*within thirty paces.*" Visiting in 1896 the very ground on which on the edge of the pine and stunted oak growth the line of the brigade was partially concealed, the meaning of this order became a mystery. The presence of the Confederate line could hardly have been concealed from the advancing enemy, and it was subjecting the raw recruits, who so splendidly fought in that battle, to an unbearable strain. And yet we believe the order was given just as Colonel Cummings repeats it, and that General Jackson meant it to be carried out. Had the order been given to *him* as a private in the ranks, he would have withheld his fire until the enemy had come *exactly* within thirty paces, and then if his life had been spared we know what would have occurred. As a matter of fact, when the line of Federal infantry appeared just over the ridge of the gentle hill on which Griffin's battery was coming into position, the riflemen of the 33d could no longer restrain their impatience, and Colonel Cummings, feeling that the critical moment had come, and seeing the futility of attempting to obey the "thirty paces" order, rang out the order "Charge," and the little battalion broke from its cover and rushed fiercely upon the astonished enemy. Griffin's battery was captured; at the first fire it was utterly disabled, the writer, before being wounded, getting close enough to see the splendid horses dying in heaps, and the gunners strewn dead or helpless among the guns. As we Americans have for months been regaled with newspaper accounts of the terrible slaughter at Santiago, it may be of interest to state that in that and the succeeding charges made by the 33d (for although repulsed this raw regiment made three efforts to hold the battery, and with the splendid assistance of their comrades, succeeded in the last), out of about four hundred and fifty men it lost forty-three killed

and one hundred and forty wounded. It may be late in the day to make the claim, but we believe it can be demonstrated that this pardonable breach of orders by Colonel Cummings, this impulsive and uncontrollable rush of his green boys, not a month from the plough and the shop of the mechanic, was the first check the Federal advance had met, and was the turning point in the battle. Colonel Henderson refers to the respite given to the Confederates as McDowell advanced his batteries, with their supporting infantry from the hills beyond the Warrenton turnpike, from which he had driven Bee and Evans to the next ridge, on which stood the Henry and Robinson houses. And it is undoubtedly true that the momentum of the Federal advance was somewhat lost by this most natural movement. But before it could be regained, before the deadly batteries of Griffin and Ricketts could resume their destructive work, just in the nick of time the 33d rushed upon the hostile guns, and in a moment this most offensive arm of the advancing line was shattered. It is pleasing to the writer to note that Colonel Henderson in his researches has found confirmation of Colonel Cummings' recollection of the "thirty paces order." The slight variance given by Colonel Henderson, who says that "fifty yards" was the expression used, like the difference in the narratives of the Apostles, merely tends to a more substantial support of what the Colonel of the 33d remembers. We think, however, that the order was given *before* the 33d made its first charge, and not *after*, as Colonel Henderson locates it. Indeed, the charge of the 33d opened the battle for the Stonewall Brigade, and after that General Jackson had only to rush his men forward, and this he did with a spirit, perhaps equaled but never excelled in the history of martial affairs.

The writer has examined with the utmost closeness all the incidents of that battle. With brothers and relatives in the 2d Virginia, and an uncle and brother-in-law serving on General Jackson's staff, and being his own first battle, it is not unnatural that the impressions were deeper than, perhaps, those made by any other event of his life. And so from a never-tiring search after all the *facts* of the battle, it is not surprising that he has occasionally wandered into speculations upon some matters which have been veiled in mystery. It is certain that the 33d on that day covered itself with glory. It is certain that after the battle the regiment took a high place in the estimation of the brigade, and that its two field officers, one of whom was killed, had behaved

with the utmost courage, and yet something was wanting to elicit from General Jackson the praise which it was thought ought to have followed. To the writer, when he recalls the treatment Garnett received after Kernstown for giving an order to retreat upon his own responsibility, no cause can be assigned for the *moderation* with which General Jackson mentioned the action of the 33d, than his disapproval of its disobedience of orders in charging before the exact time indicated by him. His intense accuracy in obeying orders had somewhat narrowed his capacity to make allowance for changing circumstances. His intense self-reliance made him feel that in battle, as far as he governed its movements, his plans, *and his alone*, must be followed. And that was not vanity or self esteem. No mortal was freer from those vices. It was simply the product of a heart that quailed at nothing, of an intellect brilliant in military conceptions, of a will that knew not how to bend from a worthy purpose and from a confidence in the righteousness of his cause that knew not how to shake. No two men are *exactly* alike, just as no two leaves are exactly alike, but most men, even most distinguished men, have something of a counterpart. Has Jackson's "double" ever been suggested? It is certain that no man in the Confederate army ever approached his completeness as a soldier—General Lee always excepted, but cast in a mold, with personal traits so different, that comparisons cannot be made. And in the Federal army Sheridan alone seems to have taken some lessons from the Confederate soldier.

Two revelations have been given to the public in Jackson's character and equipment, in his literary attainments and his warmth of feeling. When his letters to his wife were, by the permission of that interesting lady, given to the public, surprise at the tenderness they displayed was universal. From the day his speech of farewell to his brigade was published allowance was made, and it was supposed that some partial friend with graceful and felicitous rhetoric had smoothed and embellished it. But for the assurance Colonel Douglas has just given in his review of Colonel Henderson's book, that with Sergeant Towner he wrote it from memory within fifteen minutes after its delivery, and that when finished he and the orderly sergeant both thought it absolutely correct, we should still harbor the suspicion of friendly embellishment, so inconceivable is it to the writer that the Major Jackson of the V. M. I. could make a speech so perfectly fitting the occasion. Colonel Henderson has,

from his resources, well painted the picture of this parting, but it may be entertaining to read the version given in a quaint book written by Private John O. Casler, of the 33d Virginia Infantry, entitled, "Four Years in the Stonewall Brigade." He says:

"On the 4th of October General Jackson was promoted to Major-General, and ordered to Winchester to take command of the forces then in the Shenandoah Valley, and he had his brigade paraded to bid them farewell. We all had the blues, for we did not want to part with him as our Commander. Besides, we all wanted to go with him, as nearly all of us came from the different counties in the Shenandoah Valley.

"General Jackson and his staff officers rode up in front of the brigade after we had formed on the hillside, and looked up and down the line. He then slowly raised his cap and said: 'Officers and soldiers of the First Brigade, I am not here to make a speech, but simply to say farewell. I first met you at Harper's Ferry, in the commencement of this war, and I cannot take leave of you without giving expression to my admiration for your conduct from that day to this, whether on the march, the bivouac, the tented field, or the bloody plains of Manassas, where you gained the well-deserved reputation of having decided the fate of that battle.

"Throughout the broad extent of country over which you have marched, by your respect for the rights and property of citizens, you have shown that you were soldiers, not only to defend, but able and willing both to defend and protect. You have already gained a brilliant and deservedly high reputation throughout the army and the whole Confederacy, and I trust, in the future, by your deeds on the field, and by the assistance of the same kind Providence who has heretofore favored our cause, you will gain more victories, and add additional lustre to the reputation you now enjoy.

"You have already gained a proud position in the future history of this, our second war of independence. I shall look with great anxiety to your future movements, and I trust whenever I shall hear of the First Brigade on the field of battle, it will be of still nobler deeds achieved and a higher reputation won.'

"Here he paused and glanced proudly around him. Then raising himself in his stirrups and throwing the reins on his horse's neck, he exclaimed in a voice of such deep feeling that it thrilled through every heart in the brigade: 'In the army of the Shenandoah you were the First Brigade; in the army of the Potomac you were the First Brigade; in the

Second Corps of this army you are the First Brigade; you are the First Brigade in the affections of your General, and I hope by your future deeds and bearing you will be handed down to posterity as the First Brigade in this, our second war of independence. Farewell!"

"For a moment there was a pause, and then arose cheer after cheer, so wild and thrilling that the very heavens rang with them. General Jackson waved farewell to his men, and, gathering his reins, rode rapidly away.

"Although I was there and heard General Jackson speak the above words, I have copied them from 'Pollard's Life of Jackson.' This was the only time I ever heard him open his mouth to speak, except once afterward he spoke a few words in my presence. He was a man who had very little to say.

"Now, I don't consider that the 'Stonewall Brigade' was better than other brigades, for there were plenty of other brigades that did just as good service as we did; and if any other brigade had been similarly situated at the first battle of Manassas I have no doubt they would have done as well as we did, and gained the same reputation.

"We had to pay dearly for our reputation afterwards, for whenever there was any extra hard duty to be performed General Jackson always sent his old brigade to that post of duty, for fear the other brigades under his command would think and say that he favored his old command. Consequently, we often had harder duty to perform than the others.

"We all returned to camp after his farewell address, considerably out of humor, for we wanted to go with him wherever he went and be immediately under his eye, and especially to the valley, as our homes were there."

Reading this short and inspiring address, our views of the fitness of General Jackson to judge of declamation are somewhat modified. On one occasion while at the V. M. I. the writer recalls the fact that in the absence of the professor of declamation, Major Jackson was called upon to take his place. It must be pardoned if we remember with pleasure that out of the fifteen or twenty cadets who went through the exercises of the evening four or five, of which the writer was one, received from Major Jackson commendatory remarks.

When General Jackson in the autumn of 1861 reached the field of his new assignment, the Valley of Virginia, the opportunity of his life first presented itself.

Comparatively independent in his plans and movements, in a country the pride of his heart, with his every faculty bent in intense strain upon baffling and beating the enemy, the trials of his early life, his dismal experience at West Point, his habits of self control, perfected under the almost fanatical discipline of years, and above all his genius as a combatant, all bounded to the surface to lead him in this his time of trial. His winter expedition to Bath and Romney, the apparent uselessness of the suffering to which his little army was exposed, and his singular and unusual conduct brought again to the front the suspicion which had always been felt while he was at Lexington, as to the entire soundness of his mind. As he rode quietly and serenely along the battle line at Manassas his men saw the warrior and forgot the eccentric man, but suffering in the blasts of winter, discontent at the failure to accomplish anything and the usual readiness of civilian soldiers to find fault, revived the old stories of his unaccountable singularity. The Loring episode was undoubtedly precipitated by the belief that Jackson's brilliancy at Manassas had been dimmed by the emptiness of his winter campaign, and that the ante-bellum peculiarities of the curious man were leading to his downfall.

How narrow the escape from immortality. One cannot but speculate upon the consequences an acceptance of his resignation would have brought to him, and to the Confederate cause. No Confederate officer feels disparaged when he hears it said that no man the South could have so effectually neutralized the 70,000 men commanded by McDowell, Banks, Fremont, Shields and Milroy as did General Jackson. Colonel Henderson views the great achievements of the spring of 1862 in the Valley of Virginia and the mountains to the west of the Valley, as if, looking upon a map of McClellan's battlefield, he had located this host as his strong right wing. And so it was, taking the simultaneous advance of the Federal army into Virginia as one grand mass movement extending from the Alleghanies on the west to the James River on the south and east. The true conception of the work of Jackson is thus to consider what he did. His army barely averaged 20,000 men of all arms during his Valley Campaign, and yet boldness, swiftness of movement, firmness in battle and supreme untiring energy held in check and beat back one-half of McClellan's army, scattered though the movements were, as McClellan's detachments were scattered. If his successes had been concentrated in a field of a dozen miles in length the results would have been looked

upon as little less than miraculous. They are none the less so because scattered over a country traversed by mountains and rivers. It was the misfortune of General Longstreet to have said, with traces of spitefulness, that by good fortune, General Jackson encountered in the Valley political generals—Banks, an ex-Speaker of the House of Representatives; Fremont, a scouting pathfinder; Schenck, an Ohio politician; and Shields (the man who once went on the field to fight a duel with Lincoln) a decayed adventurer. And yet he used these men up effectually. Then confronting Pope, Franklin, Sumner, Hooker and Meade, so successfully disposed of them that one can hardly withhold the judgment that place him where you might he would never fail to meet the requirements of the moment.

During the fall of 1862, immediately after the Sharpsburg battle, a rapid reorganization of the army became necessary. The battles around Richmond, Manassas, and the Maryland campaign ending at Sharpsburg had so thinned the ranks and depleted the officers that rough and ready measures were essential to a speedy reorganization. We have always understood that just at that time almost arbitrary power was given to General Lee and his immediate subordinates, Longstreet and Jackson, in the selection of officers to fill vacancies. It is certain that just at that time Jackson was subjected to severe criticism in the Stonewall Brigade because of his selection of Paxton, a former townsman in Lexington, a lawyer when the war began, and at the time of his appointment serving on his staff, to command the brigade. Paxton was killed at Chancellorsville on the morning of May 3, 1863, falling in the arms of the writer, then assistant adjutant general of the brigade. But whatever may have been said, and may yet be said of Jackson's inability to penetrate the character of men, no matter how wretchedly some of his appointments failed, many, as many perhaps as with other men, proved worthy of the confidence of their chief, and among them no example was more conspicuous than that of General Paxton.

Perhaps the confidence of his superiors and his subordinates was at high-water mark in the autumn of 1862, when on his way to take position on the right wing of General Lee's army at Fredericksburg he led his corps through the gloomy shades of the "Wilderness," over the very ground and within twenty steps of the spot where, on the night of the 2d of May, 1863, he was to close his splendid career.

And yet even then the question was frequently asked,

could he if in supreme command handle a large army as General Lee or even General Longstreet could. The writer does not believe that this failure of *perfect* confidence, the confidence, for instance, felt in General Lee, in Jackson's ability to fill any position which fell to his lot, originated or even existed in the rank and file. He attributes it rather to the officers of the corps, beginning possibly with those of high rank, who resented Jackson's reticence and taciturnity. They felt snubbed by his refusal to take them into his confidence, and then again comparisons will always be made, and as late as Fredericksburg, Jackson was always pitted in comparison with Lee and Longstreet, an exceedingly severe test to subject the quiet school teacher to.

The Stonewall Brigade was encamped in the winter of 1862-3, below Fredericksburg, very near Jackson's headquarters. Their camp was called "Winder," after the revered and respected, but disliked Brigadier, who was the immediate officer of that rank, preceding Paxton in command of the brigade. The punctilious piety which always made Jackson among the first in attendance at the religious services of his old Presbyterian pastor, Dr. White, stuck to him during that winter and up to his death. As soon as the Brigade had completed its winter quarters at Camp Winder, a chapel, in shape like the letter L, with the preacher's stand in the angle, was erected. The forest of noble pines furnished logs in length amply great, and riven boards covered the roof. Rude seats were built upon the uncovered floor, and with great regularity General Jackson attended the services. The writer can in memory see him now, as seated immediately behind him, in the midst of the earnest soldiers of his old brigade, his close and devout attention to the sermon would unfailingly attract attention. His entrance into the rude building was as modest and apparently as unimportant as that of the humblest private. His demeanor was exactly that of the quiet ante-bellum school teacher. As he entered he found his way to the nearest seat, with no commotion among the men other than that prompted by the natural feelings of gentlemen making room for a gentleman. As the congregation dispersed he made his way slowly through the departing crowd, and any soldier might upon feeling the pressure that came against him have seen General Jackson at one elbow and his mess-mate at the other. For military display Jackson had not an atom of fondness. He stuck to his old blue V. M. I. military suit until it had the shabbiness of reduced gentility. And

this was not from indifference to personal neatness. He was too absorbed to give thought or time to the subject.

If we are not mistaken, Lord Wolseley has somewhere found fault with General Lee's failure to accomplish greater results at Fredericksburg. We trust merely to memory in making this statement, for he has expressed the greatest admiration for both General Lee and General Jackson. But, if he has so stated, the very clear and graphic account given by Colonel Henderson of the difficulties which would have confronted Jackson had he rushed across the plain upon Franklin's 40,000 men resting behind the natural entrenchments furnished by the roads of the country and covered by the powerful batteries on both sides of the Rappahannock, should answer the criticism. While it must forever remain a matter of speculation, we have many reasons to believe that Jackson was never satisfied with the decision not to make the proposed night attack upon Burnside, and, again, when the situation was in many respects repeated in April, 1863, with the conclusion not to strike Sedgwick, who, crossing at Fredericksburg, extended his left so as partly to reach or approach the ground held in December, 1862, by Franklin. Colonel Henderson quotes General Lee as saying: "Jackson at first preferred to attack Sedgwick's force in the plain of Fredericksburg, but I told him I feared it was as impracticable as it was at the first battle of Fredericksburg. It was hard to get at the enemy, and harder to get away if we drove him into the river, but if he thought it could be done, I would give the order for it."

"Jackson," continues Colonel Henderson, "asked to be allowed to examine the ground, but soon came to the conclusion that the project was too hazardous and that Lee was right." The writer has always remembered with interest that on the afternoon of April 30, 1863 (he believes this to have been the date), some circumstance carried him to an elevation overlooking the Fredericksburg plain, and he found himself close upon General Jackson, who standing with folded arms was intensely gazing towards the enemy. An unexpected shell exploding near by caused the unruly animal upon which the writer was seated to prance senselessly backwards and forwards, approaching so near General Jackson as to cause him, with unusual quickness of movement, to jump aside. To the quick glance of the General the writer apologetically lifted his hat, and as his untutored horse regained some composure, moved off. The reflection comes that possibly this trivial circumstance interrupted

the great soldier in his calculations, and the consolation remains that possibly a conclusion not to make the perilous attempt, against which General Lee had advised, was hastened.

Little can be added to the account Colonel Henderson gives of the closing scenes of Jackson's career. Chancellorsville was undoubtedly his masterpiece. A generously entertained difference exists as to who was the author of that bold battle, and who designed the audacious flank movement of Jackson's 26,000 men. It was like the conceptions of General Lee, yet so fittingly matched the hobbies of General Jackson that we are content to let the origination of the plan of battle be attributed to either. But it fell as usual to the lot of Jackson, great in hurling a mass upon the flank or rear of the enemy, as he was impetuous in his front attacks, to lead his column by a sinuous course through the dense woods and over a single-track lumber road, across the front and almost completely around and to the rear of Hooker's widely extended right wing. The writer last saw General Jackson about 4 P. M. on the afternoon of May 2, 1863, at the junction of the Brock road with the Orange plank road. The fifteen-mile circuit had been completed. Like the men, he was brown with the dust of the heavily-traveled road. He had been led by General Fitzhugh Lee, commanding the cavalry at that point, to the little elevation, Burton's Hill, and from his concealed position had looked down almost into the eyes of the unsuspecting foe. Seated upon a log, his arms folded, his entire manner that of the utmost composure, he was giving General Paxton directions how and where to deploy the Stonewall Brigade. Perhaps never before had Jackson greater cause for confidence in himself and in his men, and better reason for contempt for the boastful Hooker. The last lines of his life to General Lee were written "near 3 P. M." "The leading division is up, and the next two appear to be well closed." The march had been one of excessive severity, and yet from the first step the men joyously knew that "Old Jack" was bent on coming in at the back door of the enemy. As we rode along the line of march with General Paxton, little encouragement was needed to keep the brigade which brought up the rear of the division well closed up. The men got an exultant swing. Fredericksburg had been to them an unusual exercise. Not since they had encircled Pope had they experienced the animating influence of a well prepared surprise, and they *knew* that their invincible leader

was about to crown their performances with the most brilliant of his movements. "Tell old Jack. not to begin the fun till we get there," they would sing out to passing horsemen, and thus with few stragglers, between sunrise, when they looked to the west, and four o'clock, when they completely reversed and looked to the east, this body of 26,000 veterans of Richmond, Cedar Run, Manassas, Sharpsburg, and Fredericksburg was swung by Jackson's mighty will completely behind the unfortunate foe. The story of the tornado which Jackson let loose upon the Eleventh Federal Army Corps, within an hour or two after his review of the situation from Burton's Hill, is now as familiar to persons who read of military performances as are the results of Waterloo. A few years ago, with three Confederate officers who were with Jackson's corps during the Chancellorsville engagement, among them Major Blackford, who commanded the skirmish line of Jackson's first division (Rodes'), and four Federal officers of the Eleventh corps, the writer spent the night and the ensuing day on the field, our headquarters being the Talley farm, the storm centre on the evening of May 2, 1863, now the personification of peace and plenty. We examined the location of the Federal troops with extreme accuracy. Colonel Hamlin, the historian of the Eleventh corps, or more particularly of its participation in the Battle of Chancellorsville, being at the time with us and engaged in the preparation of his book. With a surveyor's line distances were ascertained, and we left the field with the assurance that at least we had mastered the details of that battle. It was with some feeling of discomfort that we concluded that Jackson's great success had been greatly aided by the reckless disregard of the ordinary rules of field service on the part of some of the Federal officers. It seemed to diminish the hazard of the game Jackson so splendidly played. But when we stood upon the spot where with their glasses Federal line officers declared they saw during the mid-day hours of May 2, 1863, Jackson's column, as from time to time, like the movements of a great constrictor, it showed itself in the unavoidable openings of the forest on its encircling march, we felt that Jackson was borne up not only by his own splendid audacity, but also by a supreme contempt for the host he was about to assault. Blackford says that just before he caused his bugler to ring out the signal for the advance of the skirmishers, Jackson rode up to where, with Rodes, he was waiting. "Are you ready, General Rodes?" he asked, and with the reply "yes," he

waived a forward movement with his hands, and the battle opened.

What Jackson would have done had he not been stricken down must forever remain a subject of speculation. The enemy was in a great state of disorder. The flying Eleventh corps had infused a panic into the entire right wing of the Federal army. Rather a feeling of demoralization than of absolute panic. Hooker had received a terrible blow in the back. Sickles had only discovered the great danger of his isolated position. The southern and eastern front of Hooker's army was kept in constant apprehension by General Lee using to the utmost the divisions of McLaws and Anderson. The discouraged forces of Hooker were ignorant as to the direction from which the next blow would come or the strength of this unexpected assault. Every condition in the Federal army favored a night assault, and that Jackson contemplated this is too clear for discussion. True, disorder existed in two divisions, Rodes' and Colston's, broken up as all alignment had been by the impetuous rush through the tangles of the wilderness. But Hill was in comparative good order, and his men were full of fight.

Jackson might well have cut in on a northeasterly course and, while protecting his left flank with a small force, have carried consternation into the ranks of the enemy in front. General Lee was pressing up from the south and east to touch elbows with Jackson's right flank, and the energy of those men would have infused itself into every man in the Southern army, while Hooker, bewildered and utterly in the dark as to what was best to be done, would inevitably have sought to extricate his army by as orderly a retreat as possible in this dark wilderness, on a dark night, with an unfordable river on one side and Lee and Jackson with their exultant army on the other. One cannot help believing that destruction or surrender at discretion would have been Hooker's hard alternative before midnight. Jackson had a longing for a midnight fight. At Fredericksburg he hardly restrained himself. At Chancellorsville his impetuosity was at its maximum when he was unhorsed by a ball from his own men.

It is a discouraging task to look for faults in Colonel Henderson's book. It is discouraging even to attempt to add anything to his charming and noble work. We should greatly like to know the opinion entertained of General Jackson by officers of the German, Russian or French army after they have examined Colonel Henderson's faithful pic-

ture of him. The American soldier educated to war in a country with the topography of Virginia, in its valleys, and wildernesses and swamps, must admit that Jackson waged his battle with perfection, and that for the special duties which devolved upon him his equal could not have been found. But we should like to know how the strictly neutral foreign soldier will regard the man who has drawn from Colonel Henderson so enviable a biography. If Colonel Henderson could realize with what pride the soldiers of Jackson have treasured up the memory of their service under him, with what absorbing pleasure, as they turn the leaves of his work, they see themselves again in a triumphant whirl, he would feel that at least he has been rewarded by the gratitude of the fast thinning ranks of the soldiers of Stonewall Jackson.



THE PROSE WRITINGS OF HEINE.

By William T. Brantly.

1. *The Family Life of Henrich Heine.* Illustrated by 122 hitherto unpublished letters. Edited by his nephew, BARON LUDWIG VON EMBDEN. Translated by C. G. Leland. 4 portraits, new edition. Heinemann: 1896.
2. *Pictures of Travel.* By HENRICH HEINE. Translated by C. G. Leland. 2 vols. Heinemann: 1891.
3. *Mme. Della Rocca.—Embden.* Erinnerungen und Skizzen, Hamburg: 1881.
4. *Strodtmann—H. HEINE'S* Leben und Werken, Berlin: 1884.
5. *Heine's Life told in his own words.* Edited by KARPELES. Translated by Arthur Dexter. New York: 1893.

AS a great lyric poet, Heine's fame is secure and his place is indubitably with the immortals. But, in any collection of his complete works, the volumes containing the poems do not constitute more than one-fourth of the whole; and his work in prose writing, unlike the prose of most great poets, was the chief occupation of his literary life. Mr. Leland's recent translation has put some of the prose works of Heine within the reach of those who do not read German. But it is, of course, quite impossible to preserve in any translation the flavor and felicity of the original, and it is no disparagement of Mr. Leland's admirable rendition to say that he has not achieved the impossible. In the extracts from Heine which we shall make in the following pages, we have made our own translation, except in one paragraph where Matthew Arnold's rendering has been followed, and we have not deemed it necessary to indicate that the sentences we quote are not always consecutive.

Heine possesses every merit that a prose writer should have—precision, balance, wit, humor, pathos, learning, originality, and, above all, a style of limpid clearness and sov-

ereign charm. Before reading Heine a foreigner might be pardoned for supposing that it is impossible for a German to write his language with the clearness of most French authors and some English ones. But Heine shows that, although it may be difficult, the thing is not impossible. He wrote upon all manner of subjects, never failing to observe the Voltairean rule that all kinds of writing are good except the tiresome kind. There is not a dull line in all his twelve volumes, and everywhere he shows himself to be a master of a style of rare distinction.

As a critic of literature and philosophy he displays extraordinary acumen and learning. He wrote upon political questions with ardent enthusiasm for humanity, and fought for the emancipation of mankind, for liberty and equality with unsurpassed ardor. And so genuine was his wit, that someone called him the wittiest Frenchman since Voltaire. It is about Heine as a writer upon these subjects, about Heine as a political writer, as a wit, as a literary critic, that we shall speak.

Each century has certain problems of its own to solve, and, in the course of their solution, much gunpowder is expended and many books printed. When the problem is solved, the world accepts the result and passes on to the order of the day. "Every problem," as Heine himself says, "is a sphinx which throws itself into the abyss as soon as its riddle is guessed." We walk through vast libraries containing these books, and we see that most of them either discuss questions that are dead for us or discuss questions in a way and from a point of view that we can no longer admit. The books are as dead as the men who lost their lives in settling discussions on fields of battle. It is no more necessary for us to remember all the books that have helped on the world's advance than it is to remember all the dinners we have eaten and been nourished by. The results of both have been absorbed. But the problems that Heine discussed are not dead. They still live, and harass us for a solution. The world has not yet been emancipated and liberated from its outworn prejudices and its privileged classes. The claims of right reason have not yet been fully satisfied.

Perhaps in another century Heine's poetry only will be much read, but for us in this generation his prose is quite as modern and actual. It is now some forty years since he died, and new editions of his works are constantly appearing. His fame is not confined to Germany. His reputation in France, where he lived for half of his life, was

always great, and shows no signs of waning. Only the other day we took up a new French book in which the author represents himself as saying to a German girl whom he met while travelling: "You have an author who has more brilliancy than all the rest of yours and ours put together, a man of liveliest wit, of reverie, of sadness, of irony and enthusiasm, a writer keen and ingenious, profound and light, who mocks at everything and sympathizes with everything, who has discovered the secret of how to make us laugh and weep at the same time. It is Henri Heine."

The main facts of Heine's life are well known. He was born in Dusseldorf, of Hebrew parentage, and, according to recent investigation, on December 13, 1797. It is true that he himself once said that he was born in 1800 and was, therefore, one of the first men of the century. That was only his little joke and, of course, the year 1800 was the last year of the 18th century and not the first year of the 19th. A great many biographical details are scattered through his writings, especially the *Reisebilder*. He says there, speaking of his birth: "I first beheld the light of the world on the banks of that beautiful river where upon the green hillsides folly grows and is plucked in autumn, is stored in cellars, poured into bottles and shipped to foreign countries. Really, I yesterday heard a man at table utter a piece of folly which, in the year 1811, was imprisoned in grapes which I then myself saw growing on the Johannisberg. Much folly is also consumed in that country itself, and men there are just what they are everywhere else. They are born, eat, drink, sleep, laugh, weep, slander one another, are anxiously concerned about propagating their species, endeavor to appear what they are not, and to do what they cannot do, don't shave before they have a beard, and often have beards before they have any sense, and when they have sense intoxicate themselves with red and white wine so as to lose it.

"Ah, Mon Dieu. If I had faith as a grain of mustard seed, so that I could remove mountains, the Johannisberg is precisely that mountain which I would cause to follow me about everywhere. But since my faith is not as great as that, imagination must help me; and that quickly transports me to the beautiful Rhine. O! that is a fair land, full of loveliness and sunshine. The sides of the mountains with their castle ruins, forests and ancient towns, are mirrored in the blue waves."

A good deal is said in this book about his early education and teachers. In regard to learning Latin, he remarks that

the Romans would never have found time to conquer the world if they had been first obliged to learn Latin. He distinguishes the irregular verbs of that tongue from the regular by the fact that in learning them a boy gets more floggings. In French he says that he succeeded well: "Not long ago, when in noble society, I understood fully one-half of the conversation of two German Countesses, each of whom could count at least sixty-four ancestors and as many years. Yes, in the Cafe Royal, at Berlin, I once heard Herr Hans Martens talking French, and understood every word, although there was no understanding in it."

Heine's family destined him to a mercantile pursuit, but so great was his antipathy to it that he was finally permitted to study law. His studies were pursued principally at the University of Gottingen, but he did not love Gottingen, and the German professors, and his writings are full of ridicule of both. "It is strange," he somewhere says, "a terrible destiny has already overtaken the three greatest enemies of Napoleon. Castlereagh cut his throat, Louis XVIII. rotted away on his throne, and Professor Saalfeld is still professor at Gottingen."

While a student he published some of the poems now contained in the *Buch der Lieder* and at once achieved a reputation at Gottingen which helped him in more ways than one. At a restaurant near the town, a beautiful young girl was employed as waitress who always refused to accept the attentions of the students. But, on one occasion, when Heine offered to kiss her she accepted, saying: "I will kiss you on account of your poetry. Go and write some more. You are almost as celebrated as the professors."

When Heine came up for his final examination one of the professors publicly complimented him upon his poems, and, what was more to the purpose, allowed him to graduate. It is true that they gave him the lowest grade, but Heine had very little respect for academic degrees, and his failure to achieve academic distinction never troubled him. He said once, in reply to an antagonist who had misunderstood him, that he had explained the matter under discussion so clearly "that even a Doctor of Philosophy ought to be able to understand it." He also pointed out that there is a great difference between a philosopher and a doctor of philosophy.

The cost of his education had been defrayed by his uncle, Solomon Heine, a very wealthy banker of Hamburg, who continued to assist the poet with money as long as he lived. Heine, in addition to the offence of falling in love with the

banker's daughter, tried his generosity rather severely in other respects. When he went to England in 1827, Solomon Heine gave him a letter of introduction to Rothschild, and also a letter of credit for 400 pounds. Solomon said expressly that this amount was only for form's sake and to give him importance. The first thing Heine did when he got to London was to draw all the money, and he lived on it luxuriously, until only enough was left to pay his passage back to Hamburg. Solomon had received a letter from Rothschild saying that he was delighted to meet the poet and to have been of service in cashing his letter of credit. When Heine returned Solomon called him a spendthrift, and said that he would never be fit for any thing but to spend money and write books. Heine replied, "The best thing about you is that you bear my name."

He lived for a short time in Munich, but certain revolutionary passages in his *Reisebilder* had caused the book to be forbidden in Prussia and elsewhere, and perhaps he feared a prosecution by the government. At all events, in 1831 he went to Paris, where he continued to live until his death in 1856. During that time he made only two short visits to Germany.

He was very handsome as a young man, and retained his good looks until when about forty-six years old a spinal disease attacked him and made him a bed-ridden invalid for the last ten years of his life. Heine's niece, the Princess Della Rocca, in a little volume concerning the poet, describes him as being of medium height, with small white hands as finely formed as those of his mother, noble features, light brown hair, a Grecian nose, no beard, well arched eyebrows, clear blue eyes and a large mouth with full lips. In Paris Heine soon became intimate with all the leading literary men of France. Theophile Gautier, long afterwards, praised the physical beauty of the German poet, saying that when quite young he was as beautiful as beauty itself. "He was," Gautier added, "a cross between Apollo and Mephistopheles."

It seems to us that intellectually as well as physically Heine was a mixture of Apollo and Mephistopheles. Sometimes he is wholly an Apollo—the god of poetry and music. He was that, for instance, when he wrote such poems as *Du bist wie eine Blume*, or *Ich weiss nicht was soll es bedeuten*. Sometimes he is wholly a scoffing, sneering, witty Mephistopheles, and very often he is both at the same time.

He wrote much upon political questions, and a great deal

of it is as fresh as if written yesterday. It may, perhaps, be said that the keynote of his theories is struck in the following passage from the "Italian Journey." "We are on the battlefield of Marengo. How my heart leaped as the postillion uttered these words. Here General Bonaparte drank so deep a draught from the cup of fame that in the course of his intoxication he became Consul, Emperor, World-conqueror, and was only able to become sober at St. Helena. It was not much better with us; we were intoxicated along with him, and dreamed it all, too, and have likewise awakened, and in the pain of the reaction we make all kind of sensible reflections. It often seems to us that military glory is an antiquated pleasure, that wars are to have a nobler significance, and that Napoleon is, perhaps, the last conqueror.

"It really looks as if at the present time spiritual and intellectual questions are to be fought out and not material ones, and that the history of the world is to be no longer a history of robbers but of mind. The principal lever which ambitious and selfish princes could formerly use so powerfully for their personal ends—namely, the sense of nationality with its vanity and hatred—is now rotten and played out. Foolish national prejudices are daily disappearing. All sharp peculiarities among different peoples are being destroyed by generality of European civilization. There are now in Europe no longer nations, but only parties, and it is wonderful to see how these, in spite of their different colors, recognize one another, and in spite of different languages well understand each other. * * * Two great masses of men stand opposite one another in hostile attitudes and fight with words and books. The watchwords and representatives of these two great parties change daily; there is no lack of confusion, which is increased rather than diminished, by the writers who are the diplomatists of these parties. Yet, although heads make mistakes, the hearts of the people nevertheless feel what it is that they want, and the problem of the time is pressing.

"What is this great problem and task of our age? It is emancipation. Not an emancipation of the Irish, of the Greeks, of the Frankfort Jews, of the blacks in the West Indies and such oppressed people, but it is the emancipation of the whole world, and especially of Europe, that has now come of age and tears itself loose from the iron leading strings of the privileged classes, of the aristocracy. It makes no difference that some philosophical renegades of freedom forge the finest chains and keys in order to prove

to us that millions of men have been created as beasts of burden for a few thousand privileged knights. They won't be able to persuade us of that until they show us, as Voltaire says, that the former have come into the world with saddles on their backs and the latter with spurs on their feet. Each age has its own task and problem, and, by solving it, carries mankind further forward. This inequality, which was founded in Europe by the feudal system, was perhaps necessary, or a necessary condition for the advance progress of civilization, but now it obstructs progress, outrages all civilized hearts. This inequality, which comes into inevitable conflict with the principle of society, profoundly embittered the French, who are a people of society. They sought to achieve equality by gently cutting off the heads of those who wanted to be above their fellows, and the Revolution was the signal for the war of the liberation of humanity. Let us praise the French. They provided for the two greatest needs of human society—for good eating and civil equality. They have made great progress in the art of cooking and in liberty.

"That beautiful day will come when the sun of freedom will more happily warm the earth than all the little stars of aristocracy. But we poor fighters, who must spend our lives in this struggle and are exhausted and pale when the day of victory dawns, when for us the glow of sunrise will no longer be able to redden our cheeks or warm our hearts, we die away like the waning moon, all too shortly measured is the human career, at the end of which is the inexorable grave.

"I know not if I deserve that a laurel wreath should one day be laid on my coffin. Poetry, dearly as I have loved it, has always been to me but a divine plaything. I have never attached any great value to poetical fame; and I trouble myself very little whether people praise my verses or blame them. But lay on my coffin a sword, for I was a brave soldier in the war of the liberation of humanity."

In another book he concludes by saying: "Freedom is a new religion, the religion of our time. If Christ is not the God of this religion, He is nevertheless one of its high priests, and His name shines with blessing in the hearts of the disciples. But the French are the chosen people of the new religion. In their language the first evangels and dogmas were written. Paris is the New Jerusalem, and the Rhine is the Jordan which separates the sacred land of freedom from the country of the Phillistines."

Consider the condition of Germany at the time Heine

wrote. Everywhere absolute government, no liberty of the press, no trial by jury or habeas corpus, no right to discuss public affairs—everywhere an aristocracy enjoying all manner of privileges. It was to bring about a reign of law and justice that Heine wrote and struggled, to bring about the abolition of privileges, the establishment of liberty and equality. His appeal was to what he called the real Germany, the anonymous Germany of the German people, "That sleeping sovereign," he said, "with whose sceptre and crown baboons were then playing."

"It seems to me, sometimes," Heine elsewhere said, "that the devil, the nobility and the Jesuits exist only so long as people believe in them. We can maintain this positively so far as the devil is concerned, for only believers have thus far been able to see him. So, in regard to the nobility, we shall be able in course of time to learn by experience that the so-called aristocratic good society will cease to be the aristocratic society as soon as the good citizen no longer has the kindness to consider it the aristocratic society." This reminds us of what some one said in the course of the French Revolution: "These dukes and marquises and other aristocrats seem so great only because you are on your knees before them. Just stand up, and you will see that they are no taller than you are." Heine had no direct political action, but there can be no doubt that his writings stimulated most powerfully the younger generation of German liberals. Many of the leaders were in constant intercourse with him and he was the friend and encourager of Ferdinand Lassalle—that great agitator who founded the German Social Democracy.

Speaking of his religious belief, Heine said: "I believe in the Ten Commandments, and keep, indeed, most of them. I don't covet my neighbor's ox, or his maid servant, or his cow, or his ass. I don't work on the Sabbath, the seventh day, when God rested. Indeed, from extra caution, since we don't know exactly when this seventh day of rest was, I often do nothing the whole week. So far as the commandments of Christ are concerned, I always practiced the most important, which is that a man should even love his enemies, for alas! those men whom I have most loved were always, without my knowing it, my worst enemies."

Of Sebastiani, the French Minister of Foreign Affairs, who was said to be a Minister foreign to affairs, Heine observed: "He has a good opinion of himself, and that is the only good opinion that he has."

Referring to Balaam and his ass, he remarks that "the miracle there was to hear an ass talk like a man; it is no miracle to hear a man talk like an ass."

In another connection he exclaims:

"O! women! we must forgive them much, for they love much and, indeed, many. Their hate is, in fact, only a love which has got itself turned around. Sometimes they seek to do us an evil turn, because they think that in that way they can show their love for another man. When they write they have one eye on the paper and the other on a man. This is true of all female authors, except the Countess Hahn-Hahn who has only one eye."

One of the most astounding things in Heine's prose is his reckless abuse of persons. In this the Apollo has disappeared, and there is only a witty and sneering Mephistopheles. On one occasion he was challenged by the husband of a woman whom he had ridiculed, and fought a duel near Paris, in which he was wounded. This is the way in which he speaks of the wife of a German professor who had written something in opposition to his theories. Her name, indeed, is not mentioned, but it was easy to see who was meant: "One of the little heads of a certain party, who for many years has incessantly attacked me, is only the champion of his wife, who fancies that she was insulted by me, and has sworn my ruin. Such deadly hatred pains me much, for the lady is very amiable. She has many points of resemblance with the Venus de Medici; she is, for instance, like her, very old, and, like her, has no teeth. Her chin, when she has shaved, is as smooth as the chin of that marble goddess. She often goes nearly as naked, in order to show that her skin is not quite yellow, but has here and there a few white spots. In vain have I said the most conciliatory things to this lovely lady—e. g., that I envy her, because she only needs to shave twice a week, while I must undergo this operation every day; that I esteem her the most virtuous of all women who have no teeth; that I would like to possess her heart—in a gold box. In vain; she will not be pacified. The implacable one hates me bitterly, and just as once Isabella of Castile swore that she would not change her chemise until Granada had fallen, so this lady has sworn that she won't put on a clean shift until I, her enemy, lie on the ground. Now she sets all the scribblers at work against me, especially her poor husband, who is not a little incommoded by the Isabella colored shift of his better half—especially in summer, when the fair one, by reason of it, is more sweetly

scented than usual—so that often, almost crazed, he jumps out of bed, rushes to his desk, and seeks to write me down forthwith."

Of another woman, who is also clearly indicated without being named, he wrote: "I won't say that she is ugly—no woman is ugly. But I can maintain rightfully that if the beautiful Helen of Troy had looked like this lady, the Trojan war would never have taken place, the citadel of Priam would not have been burnt, and Homer would never have sung of the wrath of Achilles, the son of Peleus."

Of Madame de Stael he wrote: "She is said to have had beautiful arms. It is certain, at all events, that the Venus of Milo cannot show such a pair of arms."

In discussing the poetry of Schlegel, he says: "The violin player, Solomon, who gave lessons to George III, once said to his royal pupil: 'Violin players are divided into three classes; the first class comprises those who can't play at all; the second those who can play badly, and the third class those who can play well. Your Majesty has already reached the second class.' Does Herr Schlegel belong to the first or second class of poets? Some people say that he is no poet; others that he is a bad poet. I know, at least, that he is not a Paganini."

Heine's own defence of his personalities is amusing enough. He says: "I have scratched many, bitten many, and was no lamb; but, believe me, those admired lambs of meekness would conduct themselves less piously if they possessed the teeth and claws of the tiger."

The French novelist, de Goncourt, records in his journal a conversation between himself and Sainte Beuve and Gautier concerning Heine. When Gautier had praised him highly, Sainte Beuve said angrily: "I am astonished to hear you talk so about that man—a miserable fellow who put into newspapers everything that he knew about you—who ridiculed all his friends." "I beg pardon," said Gautier quietly, "I was an intimate friend of his and I had no cause ever to complain of him. He never spoke evil except of people whose talent he did not think much of."

One of his very best works is his book on the history of religion and philosophy in Germany. This was originally written in French, for the purpose of showing the French people the real current of German thought and its importance for the world. The work is a remarkable proof of the universality of Heine's culture and the keenness of his criticism. One of its great merits is that, unlike German phil-

osophy itself, it is comprehensible and clear. Heine was a man of this merit, for he says at the beginning: "Great German philosophers who may happen to glance at these pages will shrug their shoulders in a superior way at the scantiness of what I bring out here. But let them be good enough to consider that the little that I say is clearly and plainly expressed, while their own works are, indeed, very thorough, unspeakably thorough, very profound, stupendously profound, but just as incomprehensible."

Take for instance this account of Fichte's philosophy. Fichte thought it necessary that the mind should observe itself while it was active. The I—the Ego—must make observations about its intellectual activities while it is carrying them on! "This operation reminds us of a monkey who sits by a fire before a copper kettle and cooks his own tail, for the monkey contends that the true art of cooking consists, not in merely objectively cooking, but it is necessary that the subject cooked should be conscious of it."

Speaking of Shakespeare, Heine says: "The England of those days, when in the Northern Bethlehem called Stratford upon Avon, the man was born to whom we owe the secular Evangel, as we might call the Shakespearean dramas, the England of those days was certainly very different from that of to-day. Indeed, it was called merry England, and it was resplendent with brilliant colors, with carnivals and masquerades, wise foolery, abounding activity and glowing passion. Life there was still a variegated tournament, where, although the high-born cavaliers played the leading roles, yet the clear sound of the trumpets also stirred the pulses of the common people.

"All this richly colored atmosphere has since then faded away; silenced are the joyous trumpets; extinguished that fine frenzy, and the book, called the Dramatic Works of Shakespeare, remains in the hands of the people, as a consolation for evil days, and as proof that merry England did once really exist. Shakespeare came at the right time. It is fortunate that he was a contemporary of Elizabeth and James. Protestantism had, indeed, already manifested itself in great liberty of thought, but it had not at all affected the popular modes of life and feeling. The kingdom was illuminated by the last rays of expiring chivalry, and still shone with the glory of romance. The popular faith of the Middle Ages, Catholicism, was, indeed, destroyed in theory, but it still lived with all its magical charm in the hearts of men, and maintained itself in their customs and

the manners and ways of thinking. Not until afterwards did the Puritans succeed in uprooting, flower after flower, the religion of the past, and in spreading over the entire country, like a gray fog, that desolate melancholy which afterwards, with the brains and strength knocked out of it and enfeebled, became a deluge of lukewarm, whining, drowsy Pietism. Nor had royalty in England in Shakespeare's time undergone that insipid transformation which is known nowadays as constitutional monarchy—a transformation to the advantage, it may be, of European liberty, but by no means for the good of art. * * *

"During the domination of the Puritans, art was despised; their evangelical zeal was especially violent against the theatre, and the name of Shakespeare lost its hold upon the memory of the people. Shall we seriously condemn the Puritans for their fanaticism? No. In history everybody is right who is true to his essential principles, and the sullen roundheads only followed out to its logical consequence that spirit of antagonism to art which was visible in the earliest centuries of the church. This old, implacable hatred of the theatre is only one side of that enmity which has existed for 1,800 years between two wholly divergent conceptions of the world—one of which comes from the arid land of Judea and the other from the flowery soil of Greece. For 1,800 years there has existed this quarrel between Jerusalem and Athens, between the Holy Sepulchre and the cradle of art, between life in the spiritual and the spiritual in life. And the collisions, the open and secret conflicts, which have been caused by it, are apparent to the most exoteric reader of the history of humanity. * * *

"Almost a century passed before Shakespeare again arrived at fame and honor. Since then, however, his reputation goes on increasing from day to day. He became an intellectual sun for that country which has to do without the real sun for almost twelve months of the year, for that island of damnation, for that Botany Bay without a Southern climate, that coal smoking machine, whirring, church-going, bad-liquor drinking England. But our good mother Nature never entirely disinherits her children, and while she denied to Englishmen all that is beautiful and lovely, and gave them neither a voice for song nor a sense of enjoyment, and endowed them, perhaps, only with the receptacle for porter, instead of human souls, she gave them, however, by way of compensation, a big piece of civil liberty, a talent

for making themselves compatible at home and—William Shakespeare.

"His dramas are known in England, not only by the educated, but by everyone, and even the fat beef-eater who, with his red coat and red face, serves in the Tower of London as a guide, and shows you the dungeon where Richard caused his nephews, the young princes, to be murdered, refers you to Shakespeare for a fuller description of the details of this cruel story. And, also, the verger who shows you around in Westminster Abbey, talks all the time about Shakespeare, in whose tragedies these dead kings and queens who lie here, stretched out upon their sarcophagus in marble effigies, and are shown for one shilling six pence, play such wild or lamentable roles. He himself, the statue of the great poet, stands there, life size, a lofty figure with thoughtful head, and in his hands a parchment roll. Magical words are perhaps written upon it, and when at midnight the white lips move and the dead who rest there in the tombs are summoned forth, they arise in their rusty armor and their antiquated court garments, the knights of the white and of the red rose, and also the ladies come forth with a sigh from their places of repose, and there resounds a clash of swords, and laughing and swearing—just as at Drury Lane, where I so often saw Shakespeare's historical plays acted, and when Kean so powerfully moved my soul when he rushed over the stage with the despairing cry, 'A horse, a horse, my kingdom for a horse.'"

In speaking of Shakespeare's universality, he says: "There was visible to him not only events in the history of his own country, but also those recorded in the annals of antiquity, as we remark with astonishment in the dramas where he describes Roman life in the truest colors. As with the knights of the Middle Ages, so he also saw the heroes of the ancient world through to the marrow, and commanded them to utter the deepest secret of their souls. * * * The unities of time and place and interest are by no means lacking in our great poet. Only with him the conception of them is somewhat broader than with us. The scene of action in his dramas is the round globe itself, and that is his unity of place; eternity is the period which his plays embrace, and that is his unity of time; and in conformity with these is the hero of his dramas, which represent the unity of interest. Humanity is that hero, the hero who is constantly dying and constantly arising again, al-

ways loving and hating, and yet loving more than hating; who to-day crawls like a worm and to-morrow soars like an eagle to the sun; who to-day deserves a fool's cap and to-morrow a laurel wreath, and oftener both at the same time; the big dwarf, the little giant, the homopathically spread out Deity, in whom the divine is very thin, but yet always exists. Ah! let us not talk too much about the heroism of this hero—for modesty and for shame."

Heine then goes on to speak of the German writers on Shakespeare, saying that they have understood him better than the English. Goethe, too, he says, gave in his homage with a great flourish of trumpets. In a word, it was a brilliant line of kings, who one after the other cast their votes in the urn and elected William Shakespeare Emperor of Literature.

We have attempted in making these extracts to give the reader an idea of Heine's wit and versatility, rather than of his catholic sympathy as a critic of literature and art, or of his insight and pathos in such productions as the *Gods in exile*. Nor have we dealt with his numerous controversies. Even when pinioned by disease upon his "mattress grave" he was a fearless fighter in the cockpit of life. Heine's work in its totality is like a vast building containing within its circumference every variety of architecture—a solemn Gothic nave leading the spirit heavenward; a gorgeous Renaissance palace, full of the lust of the flesh, the lust of the eye, and the pride of life; a pagan temple of Aphrodite; a poisonous mediaeval dungeon; a villa with casements opening upon a moonlit southern sea, the abode of love and beauty.



COLONEL RICHARD MALCOLM JOHNSTON.

Bernard M. Steiner.

COLONEL RICHARD MALCOLM JOHNSTON was often called "The Nestor of Southern Literary Men," but the idea of old age never seemed to be a proper one to associate with him. He was so full of life, so keenly interested in all that went on, so true a friend and delightful a companion of the young, so active a worker, that he seemed to have nothing in his nature of that withdrawing from the active concerns of this life, which we associate with age. Even in the last long struggle with death, when the grim conqueror was clearly gaining ground from week to week, the Colonel kept the same clear intellect and the same warm and loving heart. He was the most sincere and pure-minded man I ever knew. With the wisdom of manhood, he ever kept the simplicity of childhood and that childlike faith in men, which is so often replaced in later life by a reticent reserve or a hard cynicism. With these traits was associated a rare modesty. He always seemed a little surprised that people made much of his stories, and yet when a favorable review appeared and was brought to his sight, his pleasure was of the keenest, and his delight pleasant to behold. He was a born story-teller, and all welcomed the sound of his "let me tell you," with which he always prefaced his stories. To hear him tell a story was a rare pleasure. His eager face, with its large and speaking eyes, which so often had a twinkle in their corners, his sensitive mouth, half covered with the long white moustache, and his low gentle voice were never to be forgotten. Only he could tell his stories. In the accent, in the expression of the face and in the man lay half the charm. I pity those who have never seen Colonel Johnston and yet take up any of his writings. They may enjoy them, but they never can know how he read them. I have been asked to write about his works, and I am rather telling of their writer. I am no fair critic of the books. As I read them I heard the Colonel's voice. I imagined how he would have said this sentence, and how his hand would have been raised to emphasize that word. It may be that a

new generation can pass the stories by as we pass by Longstreet's "Georgia Scenes," but that will only be because the person of the Colonel will be unknown to it.

He took a direct interest in his stories. Their characters were living people to him, and he felt for them in their joys and griefs. Once when I saw him, after his last illness had begun, he picked from off the bed a copy of one of his books, "Pearce Amerson's Will," and gave it to me. Opening it to one of the engravings, he asked me to admire it, saying that the artist had rendered the scenes so perfectly that on first seeing it his eyes had filled with tears, so touched was the Colonel with the trials of the characters he had created. Yet, he never forgot that he was the creator, and his conception of the writer's art had no idea that the character could carry away its author where he would not. He was criticizing one day a much talked of book by a popular author, and objected strongly to the ending. One of the women in the story had been consigned to a fate, which the Colonel disliked so much that he had even written a letter to the author, remonstrating with him for such a conclusion. The author had responded, saying: "How could I help it? Was I Providence?" "Of course he was," said the Colonel. "He was the only Providence the poor girl ever had, and it was his duty to dispose of her otherwise." He did not always choose happy endings for his stories, but he objected to unnecessarily gloomy ones.

He was a courageous and faithful man, struggling all life long in a noble combat to achieve comfort for those he loved. Even when he was within a few weeks of his death, he could boast that in the past year his work in the Bureau of Education at Washington had been fully equal to that of the younger men.

His breeding had the perfect polish of the old time Southern gentleman, with a courtly deference to women which was charming to see. Some years since, a particularly mean notice, referring to him, appeared in one of our critical journals and incensed the Colonel greatly. He spoke to me of it, and felt that it needed an answer from him. A week later I met him again and asked him what he had decided to do in the matter. "Do?" he replied. "Why, I can't do anything. Let me tell you, the author of that article was a woman."

The life that the Colonel knew best and liked best to portray was that of the first fifty years of this century in Central Georgia among the middle class of society. The great

Civil War and the period of reconstruction had little effect on his work. Indeed, I do not ever remember hearing him speak of those times. The things he loved to portray were the actions of the simple provincial folk who lived in old Georgia.

Though he lived in Maryland for many years before his death, Georgia was his true home. The past of Georgia, with its great men, such as Abraham Baldwin and Alexander H. Stephens, was his favorite theme. With the Georgians he had lived and knew them all intimately, so he could write both the life of the statesman, Stephens, and the chronicles of Mr. Bill Williams and others of the class of small planters. His stories were almost all of the smaller gentry. The poor whites, the negroes and the aristocratic and wealthy owners of hundreds of slaves do not figure much in his pages, because they were not the important classes in the Georgia he knew.

There never was a truer friend than the Colonel. My friendship with him came to me by inheritance, for both he and my father belonged to that coterie of notable men who assembled at the University Club in Baltimore every Friday night for a number of years. The intimacy begun in those club suppers with my father was transferred to me on my father's death and it is one of the pleasantest memories to think that on the Colonel's death-bed, almost the last time when I saw him, he told me his hopes and desires for my future.

We never spoke on religion, and I knew that his views on many things in Christianity were far different from mine, only because I know to what great branch of the Church he belonged. But no man ever lived his religion more truly. No man ever gave a better example or a more attractive one of what the Christian life was. With him, you felt that you were with one whose whole life was moulded by that of the Master of us all.

I have not attempted to give a sketch of his life. You may find the details of birth and death in biographical dictionaries and cyclopedias. You may learn there of his education, his practice as a lawyer in Georgia, his professorship there, his removal to Baltimore, and his work in the Pen-Lucy School, his retirement from teaching when he turned his entire attention to literature, and his entrance into the service of the United States Bureau of Education. After all these were only external accidents. The life was deeper. All the early years he was acquiring that acquaintance with

men in Middle Georgia, which he showed in a tentative way in the "Goosepont School," published in 1857, and in the "Georgia Sketches," of 1884. All of these early stories were republished with others in the "Dukesborough Tales," in 1874. The next twenty years saw other Georgia stories, laid in the Dukesborough region, as the Colonel called Powellton, his old home: "Old Mark Langston," "Mr. Absalom Billingslea," "Ogeechee Cross Firings," "The Primes and Their Neighbors," "Mr. Billy Downs," "Mr. Fortner's Marital Claims," "Widow Guthrie," "Little Ike Templin," "Old Times in Middle Georgia," and "Pearce Amerson's Will." As one after another appeared, the Colonel's reputation grew, and invitations to lecture and to read poured in upon him. He had found his field, and he never left it. Literary studies, sketches of travel, articles on education and essays of various sorts were also published by him, many of them in collaboration with his friend, Dr. William Hand Browne. His productivity kept up to the very end of the long and honored life. After the death of his wife in February, 1897, the Colonel failed steadily in health, and as the summer of 1898 was closing, the last story was told, and a few loving friends stood around the Colonel's grave in the lovely Roman Catholic Cemetery at Govanstown. American Literature had lost a noted writer without doubt, but, most of all, the world had lost the present influence of a noble man.



AMERICAN POLICY OF EXPANSION.

By Hon. Champ Clark.

IT is amazing how implicitly a fallacy skillfully clothed in words is accepted by even well-informed persons and how tenaciously they cling to it.

Shakespeare propounds the question:

What's in a name?

And then answers it himself by saying:

A rose by another name would smell as sweet.

His dictum is correct as to the aroma of the flower, but his idea that there is nothing in a name, though almost universally accepted as true, is flagrantly erroneous. There is much in a name. A name may make or mar a policy. A name may give life or bring death to a party.

The high protective tariff owes its long lease of life on this continent largely to the fact that Henry Clay, without warrant of truth and contrary to all history, bestowed upon it the fascinating title of "The American System"—although the system had existed for centuries before Christopher Columbus turned his prow westward in search of a new world. It was hoary with age before there was any America to have any system upon any subject or of any kind; but the immortal Kentuckian, and after him divers imitators, rallied the people again and again successfully and enthusiastically to that "system," denouncing those who opposed it as "Un-American." The cry of "the American System," to borrow an Euphemism from Thurlow Weed, proved to be "a good enough Morgan" for many a campaign.

The early demise of "The Native American Party" was unquestionably hastened by reason of the ridicule heaped upon its members under the preposterous name of "Know Nothings." Scores of other instances might be cited, but these must suffice to show that there is something in a name, the Bard of Avon to the contrary notwithstanding.

"To expand or not to expand," is the question now pester-

ing every mind. "Expansionists," "Anti-Expansionists," "Hold-Downers," and like names, are becoming familiar to American ears.

I am not certain but that by appropriating, and being permitted to appropriate the title of "Expansionists," the Pro-Philippine party in this country have gained a great tactical advantage, one which may prove to be hurtful to the country; for no man of patriotism and good sense is opposed to "expansion" on safe lines and in proper directions. No man of patriotism and sound discretion is in favor of "expansion" on all lines and in all directions.

Propound the blunt question: "Are you an Expansionist?" to the average American citizen, and he will not be willing to answer yes or no without qualification.

In his first inaugural address Thomas Jefferson uttered a great truth, when he said: "We are all Federalists; we are all Republicans." So I take it that on general principals we are all "Expansionists," we are all "Anti-Expansionists."

Once during Reconstruction days, two unsavory characters from the South were contesting for a seat in Congress. Somebody said to Thaddeus Stevens: "They are both rascals." "No doubt," growled old Thad, "but which is *our* rascal?" Asked as to whether I am an "Expansionist," in like spirit, I would inquire: "An Expansionist about what? An Expansionist in what direction?"

If a proposition were pending—as it will be some day—as to expanding by annexing all of the North American British possessions, I would be an enthusiastic "Expansionist" for various cogent reasons: (1) They are contiguous territory; (2) The people are of our blood and habituated to institutions similar to ours; (3) Annexation would give us a natural frontier north, east, and west; (4) It would forever remove us from the neighborhood of Great Britain—the most quarrelsome and covetous nation on the face of the earth.

I would not have one drop of blood spilt, or one tear shed, or expend much money to acquire these British possessions, for it is written by the Finger of Fate on the scroll of Destiny that they will finally be ours. All things come to him who waits, and our neighbors beyond the St. Lawrence and the Great Lakes will, in the fullness of time, be our fellow-citizens.

But, when it comes to expanding by taking into our possession some two thousand Asiatic islands, in the tropics, inhabited by savages, removed by ten thousand miles from our seat of government, and by seven thousand miles from

the remotest confines of the Republic, I am a rabid Anti-Expansionist.

Thomas Carlyle, the gruff old Scotchman, once declared that there never had been an argument advanced against the repeal of the English corn laws that would not make the angels weep by reason of its sheer ridiculousness. It's really a pity that his grim spirit cannot revisit the glimpses of the moon long enough to hear a Philippine Expansionist deliver a speech. His opinion of such an oratorical performance would make, what Horace Greeley would have denominated, "Mighty rich reading," and would contribute largely to the "gaiety of nations."

A man, apparently sane upon every other subject, becomes mad as a March hare the moment he touches that fatal theme.

The wisdom of the Fathers is scouted. Their solemn warnings are held for naught. They are said to have been good enough to create a government and legislate for thirteen young, feeble, inchoate States; but they had their day; they are out of date; they are insufficient for the *fin de siècle* statesmen now on the boards, who dream of an empire and who are hungry for world politics!

Consider the soaring presumption of the men who think that George Washington, Alexander Hamilton and old John Adams, Thomas Jefferson, John Marshall and James Madison were fit only for a small country in a rude age and in the same breath arrogate to themselves the wisdom to legislate for "all the nations of the earth and the rest of mankind," as General Zachary Taylor remarked in his only message to Congress.

The entire history of the human race, including our own glorious history, for more than a century, counts for absolutely nothing with these far-aspiring statesmen. The safety of the Republic, the perpetuity of our institutions, the happiness of our posterity, through all coming time are all to be jeopardized in a reckless venture in which we have everything to lose and nothing—absolutely nothing—to gain.

Benjamin Disraeli described one of his reform bills as "a leap in the dark." I wonder what the Marvelous Jew would call this astounding performance into which we are being hurried?

We are flippantly told that it is our duty to carry the blessings of liberty to these people. It is not true. It is our duty to attend strictly to our own business. Nobody commissioned us to go forth like Don Quixote in quest of ven-

tures. Suppose we start out on the theory that we are to force our ideas of government upon all nations which we think need improvements in their *modus vivendi*, where shall we begin and where shall we stop? Why cross the Pacific to try our first experiment? Why not rather save transportation expenses, at least, and force a stable government upon the five little quarrelsome, revolutionary Central American republics? We might practice upon them until we get our hand in. We might force them to settle down to a steady gait by the time our great grand-children are in public life. Having reduced our bellicose neighbors to a comatose condition, if we are still bent on doing political missionary work with the rifle and the bayonet, we might proceed to take the inconstant South American republics through a course of sprouts. It would probably require some two or three generations to thrash them into an adequate comprehension of their inalienable right to life, liberty and the pursuit of happiness. If by that time any of us survive the fevers, bullets and swords of our South American friends, we might give the Russians, Turks, and other Monarchists a few lessons. There is no end to such crazy work, except the grave.

We are told that we have always been Expansionists, and in confirmation of this proposition we are cited to the Louisiana Purchase, the Florida Treaty, the Annexation of Texas, the California Acquisition, the Gadsden Purchase and the purchase of Alaska. Yet, not one of these upholds this Philippine performance.

Every country needs a natural frontier. That necessity accounts for every acquisition above mentioned, except Alaska,—which, as everybody knows, was purchased of Russia as a matter of gratitude to her for unfaltering friendship to the national government during our titanic Civil War. Russia had Alaska for sale, and the powers then in Washington appeared to think that we could do nothing less than buy that large slice of the Polar region at Russia's own price, nobody then dreaming that it would ever be considered either valuable or habitable.

In passing, it may be remarked, that it has never yet been demonstrated that Mr. Seward's much-vaunted land transaction has been of the least benefit or service to the American people or to the cause of human freedom. Some fisheries has been established; some sealskins have been taken; some gold mines have been discovered; some corporations have made money; but, on the other side of the ledger, are

the lives of some forty or fifty thousand of our young men—the very flower of the land—who perished there in quest of the yellow metal; and who shall compute the value of those lives—the lives of an army greater than that with which Washington won the independence of his country.

But, barring Alaska, which ought not to count, and which does not count, in the minds of reasoning people, every foot of the land above mentioned was acquired for the purpose of securing a natural frontier. When Jefferson wrote the fateful sentence, "The Mississippi must flow unfettered to the sea," he was stating the natural frontier proposition in a unique manner. In that sentence is the kernel of our policy of expansion up to the new departure of annexing the Hawaiian Islands. But, having acquired the afore-mentioned areas of land, we had achieved a natural frontier everywhere except on our Northern line; and, from a day ante-dating the illstarred expedition of Montgomery and Arnold to Quebec, it has been the dream of our statesmen and soldiers to "round out" our geography and complete our natural frontier by securing the North American British possessions.

Even the acquisition of Cuba might find the shadow, if not the substance of justification, on the ground of "natural frontier," if we were not solemnly pledged by resolution of Congress not to grab it as a result of the war with Spain. It will probably gravitate into the Union naturally and voluntarily "in the course of human events."

First and last we have heard a vast deal of the marvelous rapidity with which things have changed in the last hundred years. We plume ourselves exceedingly upon the steam engine, the electric car, the telegraph, the telephone, and kindred inventions, which have, as we say in our bloviations, annihilated time and space. We are even looking forward eagerly, hopefully and impatiently to the appearance of the flying machine, so that we may cleave the blue ether after the manner of our own bald eagle.

But, after mature deliberation, I am persuaded that the most astounding evidence of the swiftness of movement in our age is the growth of expansion sentiment in America as manifested in the apparent strength of the proposition to annex the Philippine Islands in any way or for any purpose whatsoever.

We have always boasted that we belonged to the most conservative race in the world; and yet, judged by the revolution of public opinion on this subject, which has taken place

within the last year, we are a more mercurial people than the French, at whose antics, crises and gyrations we have laughed for generations.

If twelve months ago, any man had arisen in either House or Senate and declared that we should annex these islands, he would have been with one accord pronounced *non compos mentis* and a fit subject for the strait waistcoat, padded cell and gruel diet of a lunatic asylum. Now, so astounding has been the change which has come over the spirit of our dream, this preposterous and suicidal proposition is supported with enthusiasm, and even intolerance by many men eminent in public life; distinguished for their splendid talents; strong in the affections of the people and beloved by reason of their service to their country. Some of the wildest of these propagandists of a new gospel are men who hitherto have been rated among the most conservative of our statesmen. Students of human nature and experts in psychology must marvel at this amazing phenomenon. What subtle poison is working in the blood to produce a result so puzzling and so contradictory of our history and traditions? The Evil One himself must have laid a spell upon the American mind for the purpose of luring to its destruction this great republic, the last hope of constitutional government on the whole face of the earth.

The land-hunger, which is the propelling force in this inexplicable revolution in public opinion, grows with what it feeds on. Hawaii was the "appetizer" for the full meal of innumerable courses. That homoeopathic dose of annexation was like the first drink to a man with a latent but abnormal thirst for *spiritus frumenti*. When in the debate upon the proposition to add those leprous islands to our possessions it was suggested that that was only the beginning of a scheme of universal imperial aggrandizement and territorial expansion, the idea was rejected with scorn and spurned as utterly unworthy of consideration. Nevertheless, the men who then prophesied that such would be the case were correct; for many who were then loudest in declaring that the annexation of Hawaii did not presage farther acquisitions and who most solemnly protested that we would be fully satisfied by grabbing "the Gibraltar of the Pacific," so-called, are now the most vociferous in advocating annexing two thousand islands in Asiatic waters, inhabited by nine or ten millions of Malay savages, who have not advanced to the breech-clout stage of civilization. In July, 1898, Hawaii, "the Pearl of the Pacific," was solemnly asseverated to be the

ne plus ultra, the *ultima thule* of our hopes and aspirations as land-grabbers; in January, 1899, our covetous eyes are fixed upon the uttermost ends of the earth. In the dog-days of 1898 we absorbed Hawaii, under the pretense that we needed it for defensive purposes; in mid-winter, 1899, we, like roaring lions, are going about the orient seeking whom we may devour. When we declared war against Spain, we invoked the favorable opinion of the nations of the earth as to our good faith and disinterestedness by ceremoniously and solemnly proclaiming from the house-tops by resolution of Congress that we were not meditating any act of land-grabbing; now we are out-Heroding Herod by taking unto ourselves an Asiatic archipelago on the other side of the globe. But yesterday, we were a happy, conservative, self-contained people; today we are the most feverish, reckless, ambitious adventurers known among men. This time last year we were at peace and desirous of remaining at peace with all the world; now we are swaggering all over creation, with a chip upon our shoulder, inviting somebody or anybody, except England, to knock it off. In the closing days of Cleveland's last administration the heroic spirit of Seventy-six flamed up, and we were ready to beard the British lion in his den over the Venezuelan question; now we are proud to be called "his whelps," and instead of twisting his tail after the fashion of the elder time, we tenderly fondle his mane and propose going man-hunting and land-hunting with him. When we celebrated the Christmas of 1898, we were in a position free from danger of quarrel as any nation that ever existed; now we are thrusting ourselves into a hazardous and unnatural position in which wars and rumors of wars will murder sleep and forever destroy our peace of mind. The historian of our times will be compelled to tax his ingenuity to the utmost in order to explain this most wondrous transformation which has swept veteran statesmen off their feet, overthrown the traditions of a century, reversed the history of a mighty people, and thrown a president into hysterics.

Happy the man who can express a great truth in a few words. Such a one is my friend and colleague on the Committee on Foreign Affairs, Hon. William M. Howard, of Georgia, who possesses a rare judicial mind. Not long since he said to me: "Hawaii was the Thermopylae of this contest about expansion;" and he was right. He might have talked for an entire week, but he could never have stated the case more forcibly. He told the whole mournful and disastrous story in precisely nine words.

When the anti-Expansionists lost that fight, they lost all. That was the first hole in the dyke which let in the sea; the thin edge of the wedge which split the log; the tiny spark which exploded the entire magazine. Many of the men who voted for that grab, protesting that they were not Expansionists on general principles, are now shouting for the Philippines. There never was a case in which more fully appeared the wisdom of the Scripture, which says:

And whoever shall compel thee to go a mile, go with him twain.

The Jingo went 2,600 miles to grab the Sandwich Islands; now they go 7,000 to grab the Philippines. As it is only 25,000 miles around the world, we may expect at this rate to circumnavigate the globe in our new employment of land-grabbing by the time the bells ring in the new year and the new century. If many men who are now holding up their hands in holy horror against annexing the Philippines had not pocketed their convictions and chloroformed their consciences last June in order to enable them to swallow the Hawaiian islands, Kanaks, Chinese, Japanese, lepers and all the rest, there would now be no Philippine question to vex their pious and patriotic souls. But these sleek time-servers desired to stand well at court, to be welcome at the White House, to bask in the presidential sunshine, and to receive their *quantum sufficit* of the loaves and fishes. The grateful savor of the flesh pots was too much for their weak heads and yearning stomachs. They wanted to be in the swim and to float with the tide—always a pleasant if not heroic course. Now, they are anxious to repeat the condemned performance of locking the barn securely after the horse is stolen and play the lachrymose role of Jeremiah amid the jeers of men. When they might have served their country and the cause of human liberty with some effect they would not; for we needed only a little help in season to have blocked the dangerous game entirely. That was the accepted time to kill jingoism; that was the day of salvation from all the perils and expenses to be entailed by a dazzling colonial policy and a vast colonial establishment. Waterloo was lost at Quatre Bras; the Philippines and all other outlying islands were annexed when Hawaii was let in. It would be easier today to persuade a majority of both houses of Congress to take a hand in the partition of China than it would have been last January to induce them to tack the Sandwich islands onto our country. The Jingo Bacillus is doing its work effectually.

The mill will never grind again with the water that has passed.

Charles Stewart Parnell, the great Irish orator and statesman, truly said:

"Opportunity is a horse, bridled and saddled, which stops at every man's threshold once in a life-time. Be ready, mount, and he bears you on to success and honor. Pause but a moment, he is gone, and the clatter of his iron hoofs, echoing down the corridors of time, will forever remind you of what you have lost."

There comes a critical moment in every battle and in every enterprise decisive of the result.

Pompadour Jim Corbett had Bob Fitzsimmons going in the seventh round at Carson City, but he failed to seize the golden opportunity, and half an hour later came the blow on his solar plexus, and he was ex-champion of the world.

"Kid" McCoy had Thomas Sharkey on the direct road to the Land of Nod in the third round of their engagement. One more punch would have done the work for the ex-sailor, but it was not delivered, and the young Hoosier pirouetter received a beating which he will not forget, should he live to the great age of Methuselah.

William Makepeace Thackeray, the very prince of writers of English prose, tells of one critical moment in the history of Great Britain. In his "Four Georges," after giving a highly entertaining, if somewhat ludicrous, account of the landing of George the First at Greenwich pier, as that illustrious and lucky monarch was proceeding "to ascend the throne of his ancestors," the genial novelist thus philosophizes on the crucial point in the life of a mighty nation:

"As one thinks of what might have been, how amusing the speculation is! We know how the doomed Scottish gentlemen came out at Lord Mar's summons, mounted the white cockade, that has been a flower of sad poetry ever since, and rallied round the ill-omened Stuart standard at Braemar. Mar, with 8,000 men, and but 1,500 opposed to him, might have driven the enemy over the Tweed, and taken possession of the whole of Scotland; but that the Pretender's Duke did not venture to move when the day was his own. Edinburgh Castle might have been in King James' hands, but that the men who were to escalade it stayed to drink his health at the tavern, and arrived two hours too late at the rendezvous under the castle wall. There was sympathy enough in the town. The projected attack seems to have been known there. Lord Mahon quotes Sinclair's account

of a gentleman not concerned, who told Sinclair that he was in a house that evening where eighteen of them were drinking, as the facetious landlady said, 'powdering their hair' for the attack on the castle. Suppose they had not stopped to powder their hair? Edinburgh Castle and town and all Scotland were King James'. The north of England rises, and marches over Bamel Heath upon London. Wyndham is up in Somersetshire; Packington in Worcestershire; and Vivian in Cornwall. The Elector of Hanover and his hideous mistresses pack up the plate and perhaps the crown jewels in London, and are off via Harwich and Helvoetsbuys, for dear old Deutschland. The King—God save him!—lands at Dover, with tumultuous applause; shouting multitudes, roaring cannon, the Duke of Marlborough weeping tears of joy, and all the bishops kneeling in the mud. In a few years mass is said in St. Paul's; Matins and Vespers are sung in Yorkminster; and Dr. Swift is turned out of his stall and deanery house at St. Patrick's, to give place to Father Dominic, from Salamonica. All these changes were possible then, and once thirty years afterwards—all this we might have had but for the pulveris exigui jactu, that little toss of powder for the hair which the Scotch conspirators stopped to take at the tavern."

There is an idea, common among men, which is peculiarly applicable to the proposed scheme for annexing, acquiring or absorbing the Philippines and Philippinos, and which has been formulated in various modes and with varying degrees of elegance and emphasis: It finds form in the Scriptural command: "Be ye not unequally yoked;" St. Paul says: "Evil communications corrupt good manners;" again we have it, "You cannot touch pitch without being defiled;" the old saw bath it: "Lie down with dogs and get up with fleas;" while in Locksley Hall, in finest poetry, Lord Tennyson expresses the same thought in these words:

"Is it well to wish thee happy—having known me—to decline
On a range of lower feelings and a narrower heart than mine?
Yet it shall be; thou shalt lower to his level day by day,
What is fine within thee growing coarse to sympathize with clay.
As the husband is, the wife is; thou art mated with a clown,
And the grossness of his nature will have weight to drag thee down.

I have often wondered within the last few months whether we can escape the operation of the natural law voiced in the above quotations; whether we will pursue to the end our high career, or whether, if we enter upon this scheme of boundless expansion and universal land-grabbing, we will

not go the way all nations have gone before us; that is, lift up these inferior races a little and be pulled down a great deal ourselves.

I take it that our duty to ourselves is our first duty—our supreme duty. It sounds magnificent and philanthropic to talk about civilizing all the nations of the earth; but it cannot be done. The leopard cannot change his spots himself, and we cannot change them for him. No more can we teach certain breeds of people to labor and not to fight. A civilized person is apter to lapse into barbarism by associating with savages than the savage is to be civilized. Take a young blanket Indian, give him all the college education possible, teach him to wear the garb of civilization, then let him return to his own people for twelve months, and he will discard the raiment of the pale-face, and resume his blanket under an impulse too strong to be resisted.

We have tried for three hundred years to civilize the "noble red man" and, after all, we are forced to reluctantly accept General Sherman's dictum that "there is no good Indian but a dead Indian." Have we any assurance whatever that our new Malay fellow citizens will prove any more tractable than the natives of this country—the natural lords of the soil? Indeed, if the public prints are to be believed, that renowned and rampant Expansionist, General William R. Shafter, recently declared in a church—mark you, in a church—that if he had his way he would begin by shooting one-half of the Philippinos, and then civilize the other half. The General's carmine remark needs a diagram, so that people may know which half he proposes to exterminate. Will he shoot the men and spare the women? Slay the adults and let the children live? We read of bloodthirsty tyrants who have decimated conquered peoples; but I am rather inclined to believe that the freshly-laureled hero of Santiago is, if correctly reported, the first to propose to kill off one-half the inhabitants of any country. His remark almost equals Caligula's famous wish that the Roman people had only one neck, so that he could decapitate them all by a single stroke of his sword, instead of wearying his imperial arm by beheading his loyal subjects one by one. General Shafter should consider the fate of Caligula and remodel his theory. Has he considered what a monumental job it would be to shoot five millions of human beings? Why are we to shoot them at all? What harm have they done us? Are they to be butchered in cold blood simply because they refuse to accept our ready-made blessings of liberty? And

was not a church dedicated to the worship of Jesus Christ—the Prince of Peace—a peculiarly unsuitable place for General Shafter's ferocious utterance? If Shafter is a fair example of the Christian soldier in the closing days of the 19th century, what becomes of that song of the angels, "On Earth peace, good will to men?" If the General continues talking in that strain he is liable to go down in history with Herod, "Bloody" Jeffreys, and "the Butcher of Culloden."

I am prone to believe that General Shafter was incorrectly reported, for such a blood-curdling programme is consistent with neither sanity nor ordinary humanity. I have seen the General thrice, shaken hands with him twice, heard him speak once, and he appeared to me to be as mild mannered man as ever wore a shoulder-strap. That he should favor the crimson horrors of slaughtering these lazy, lotus-eating Malays by the million is difficult of belief. Only think of it! For a century people have stood aghast at the cruelty of the French revolution and the names of Robespierre, Danton and Marat, the horse-leech, are universally execrated. They are by common consent "damned to everlasting fame." Yet, it is said, that only three thousand people were guillotined during the Reign of Terror. What are they to compare with five million of luckless Philipinos, who are to unceremoniously be shot in order that we may enter upon the glorious and self-imposed task of civilizing the rest? True that among the heads that fell into the sawdust during the wild dance of death at Paris, were those of Louis Capet, his wife, Marie Antoinette, Philip Egalite, Countess Lamballe, and other aristocrats and big wigs. But I think the fact will be ascertained to be that General Aguinaldo will not enjoy having his head cut off any more than did Louis the Locksmith, and what is more, he will be more disposed to fight to keep his noggin on his shoulders than was the Bourbon King.

In this connection it may not be considered impertinent to inquire how many American soldiers the Philipinos will butcher while we are killing five millions of them, for, from what we know of them, they are not likely to meekly permit themselves to be led to slaughter?

One of two things is absolutely true. The Philipinos are either fit for self-government or they are not. Jingos must take one horn of the dilemma or the other, and whichever they take they will be impaled upon it. In neither event do we want them. If they are fit for self-government, under what pretext can we refuse them the right? If they are un-

fit, how can we justify ourselves to ourselves for incorporating them into our body politic?

Vaunting ourselves as the originators and proponents of the doctrine that "Governments derive their just powers from the consent of the governed," how shall we escape the scorn of despots, if we force these people *vi et armis* to become American citizens?

Even, if they were clamorous to take shelter beneath our flag, we are under no obligation to annex them, for surely no man in his sober senses will for one moment contend that we must receive all who knock at our doors for admission. It would be just as reasonable to say that a man is in duty bound to entertain in his home every person that might come unbidden to his house, or that a woman should be compelled to marry any suitor that laid his heart and fortune at her feet, however repulsive he might be.

The main point of view of any proposition for the average American citizen is that of dollars and cents, for we are an intensely practical people—that is, we claim to be—and if, in this commercial age of politics, we have any fetish to worship, it is the almighty dollar. When I was a child down in the hill country of Kentucky I heard an old country doctor say that the most sensitive nerve in the human body is the nerve leading to the pocket book, and judging from the surface indications of the times in which we live, I am constrained to believe that this rude desciple of Esculapius was correct in his diagnosis. Iago's sordid advice to Roderigo—"put money in thy purse"—appears to be generally accepted by the American people. Judged even by this low standard of money-getting, the Philippine acquisition bids fair to lead us into bankruptcy. To begin with, according to the estimates of the most conservative authorities, the increased cost of the standing army to hold our savage fellow citizens in subjection will be thirty million dollars annually. In addition thereto, in order to hold our own in Asiatic waters, we are told that we must establish the greatest navy in the world. This proposition sounds grandiloquent and makes an almost irresistible appeal to the towering pride of the American people. Stated in plain figures, however, it may somewhat dampen the ardor of our taxpayers when they are invited to go upon this wild goose chase. Great Britain has eighty first-class ships of war—five hundred and eighty-one warships in all. France has fifty first-class warships and four hundred and three all together. Nicholas of Russia has forty first-class battleships at his command and two

hundred and eighty-six in the aggregate. By a word, William of Hohenzollern can set the machinery and guns of two hundred and sixteen warships going, twenty-eight of them battleships of the first class. Japan now almost equals Germany and will soon eclipse her in strength of her naval armament. At the present time we have only eighty-one warships all told, only eighteen of them being of the first class. Counting the difference of distance from the base of operations in Asiatic waters, the real effective fighting strength of the United States must be reduced at least one-half. In any fair estimate concerning any struggle involving our possession of the Philippine islands in the future it would be prudent to count all the above-named nations, except England, and several which have not been named, as against us. Temporarily we might count Great Britain as our ally; permanently, we must tread the wine press alone, and count all the rest of creation as against us; for Johnny Bull, in all human probability, will prove to be only a sunshine friend to Brother Jonathan. Therefore, in order to maintain our supremacy in the Orient with anything like certainty, we ought to have a navy equal in number of ships and weight of guns to the combined navies of the world, which would involve the building of something like two thousand warships, over three hundred of them battleships of the first class. But taking it for granted that in order to maintain our supremacy we will be compelled to build a navy equal to that of Great Britain alone, we would then be compelled to build five hundred new warships, sixty-two of them battleships of the first class. As a modern battleship of the first class costs, when fully completed and furnished, somewhere in the neighborhood of five million dollars, we would have an initial outlay on our navy alone of \$310,000,000 for first-class battleships alone, to say nothing of the cost of inferior craft. The project to expend this much money upon our navy to begin with shows how far we have departed from Jefferson's theory, that we should have no possessions that would require a navy for their defense. Evidently Galileo was correct when he asserted that the world does move. The above estimate for the increased cost of the standing army is made upon the untenable theory that we will have no use for a standing army except to hold our new fellow citizens in subjection, conferring upon them the blessings of liberty at the point of the bayonet, for, just as certain as water runs down hill, if we enter upon world politics we will also enter upon world

quarrels and world wars. I am patriot enough to believe that man for man ours is the best army in the world, but if we are going into world politics, and propose to take a hand in world squabbles, we will be compelled, in the very nature of things, to not only maintain a navy equal to the greatest navy of any other nation of the world, but also to maintain an army equal or superior to the greatest army of any other nation on earth. Here are the cold facts regarding the land armaments of some of the great powers. Germany's army on a peace footing numbers 562,352 men; on a war footing, 3,000,000, while the government is clamoring for a large increase. The peace establishment of France calls for 615,413 men; on a war footing, 2,500,000. Russia's peace establishment is 750,944 soldiers, while on a war footing 2,510,143 subjects of the Czar are supposed to shoulder their muskets and buckle on their swords. Let the hard worked taxpayers of the land, who can now hardly make buckle and tongue meet, seriously ponder their condition when they are called upon to meet this enormous expenditure of money by land and sea. The bait held out to them is the increased commerce which we are to experience, and of which we are to reap the benefits. The hollow fallacy of this theory is clearly demonstrated when it is stated upon Government statistics that the entire foreign trade of the Philippine islands in the last year only amounted to ten million dollars, so that if we secured the entire trade of those islands, and every dollar of that trade were clear profit—which, of course, is preposterous—we would still fall twenty million dollars short annually of gaining enough to pay the very modest estimates for the increase of the standing army, to say nothing of the enormous increase of taxes necessary to build the finest navy in the world. The proceeds of the entire foreign trade of the Philippine islands in the last year, if it were all clear profit, would only amount to enough to build two first-class battleships. Upon the whole, it is safe to say that from a purely commercial and financial standpoint, if our Uncle Samuel undertakes to hold the Philippines permanently, in less than ten years he will be under the necessity of making an assignment, for since Julius Caesar rode at the head of his victorious legions there has not been enough money coined in all the mints of the world to maintain our supremacy in the Orient for a quarter of a century.

There is still another feature of the financial view of this case, which I modestly commend to the profound consideration of our exuberant Jingoës, and that is this: To hold the

Philippine Islands will require the lives of twenty thousand American soldiers annually, the very flower of the youth of the country. The corporations of this country, for their own benefit, have had the value of the average human life fixed at five thousand dollars, which is entirely inadequate. The true rule for computing the value of a human life ought to be to multiply the reasonable annual salary of the deceased by the number of years he has to live according to the approved life tables; but taking it on the low basis fixed by the legislatures of the States at the behest of the corporations, twenty thousand human lives at \$5,000 each would amount to the astounding total of one hundred millions of dollars annually, but, even this enormous sum would represent only a small portion of the financial loss to the United States by reason of the death of her soldiers in the Philippine islands, for, judging by past experience, it is perfectly safe to assume that for every two soldiers who died in the service of their country, at least one pensioner would be billeted on the public treasury. The minimum pension under our laws by reason of death is \$96 per year, and the average life of a pensioner is something like twenty-five years, so that for every soldier who dies, in addition to the \$5,000 money loss which the government sustains by reason of his death, there is a contingent loss in the shape of pensions amounting to at least \$2,500; so that the prospect of supremacy in the Philippine islands also presents the prospect of an appalling sacrifice of human life and a financial drain which no nation on earth can long endure. A war between us (even with Great Britain as our ally), and the other great nations of Europe, would load us up with a bonded debt the payment of which would enslave our children to the fifth generation. Surely sensible men, of whatever party or creed, will reflect long and prayerfully before they take a header into this bottomless abyss.

But even the financial ruin above foreshadowed, pales into utter insignificance when compared with the immense damage which will be done to our institutions in other ways. There is not a solitary man, whose opinion is at all worth considering, who believes that out of the ten million inhabitants of the Philippines there is even one human being fit for American citizenship. The thing is an impossibility in nature. Even the most rabid and enthusiastic pro-Philippine advocate dares not uphold the theory that sovereign States of the Union are to be made out of these islands, either now or hereafter. If this is not to be done, then

clearly, if we are to hold them at all we are to hold them as colonies or dependencies, to be ruled by the sword and the sword alone; this means that we are to appoint continually a board of pro-consuls and military satraps, and send them forth poor as Lazarus at the rich man's gate, to return to us lawless nabobs to corrupt our manners and our institutions by wealth wrung from an alien, a servile and a helpless people.

Still another feature must give pause to rational beings before they will consent to this stupendous revolution in the conduct of our affairs, and that is the overshadowing danger to our free institutions, from the existence of a large standing army, against which all of our patriots and sages from Washington to the present hour have warned them. Congress may pass all the laws it pleases constituting this new standing army, an army of occupation for the Philippine islands, and prescribe all the penalties its ingenuity may devise against bringing these troops to the United States or retaining them here, but the fact remains, nevertheless, that a resolute, ambitious, unscrupulous man in the White House may within ninety days, while Congress is not in session, transport fifty thousand regulars from the Philippines to overawe the electors and to overthrow the Republic. It is useless to say that no such man has ever sat in the presidential chair; all history teaches that in every age and in every clime, wherever the opportunity for seizing supreme power has presented itself, a man with nerve great enough, and conscience little enough to profit by the occasion, has put in an appearance upon the scene of action. Caesar and Napoleon were not freaks of nature, but were types of a class. Conditions similar to those which produced them will also produce their counterparts. It is an old saying that an ounce of preventive is worth a pound of cure, and unless we desire to become slaves we would do well to refuse to place the means of our enslavement in the hands of any man.

A great many patriotic American citizens, including some of the very best lawyers in the land—notably, ex-United States Senator George H. Edmunds, of Vermont, whose prodigious ability has been freely admitted for a third of a century—object to this Philippine project on the ground that the Federal Government has no Constitutional right to acquire territory except for the purpose of making States of it. Indeed, the Supreme Court of the United States decided that very point in express terms against the Jingo theory.

The bare mention of the Constitution, however—the simple suggestion that such a document exists—the slightest intimation that anybody is bound by its provisions—appears to have had the same effect upon the pro-Philippine Jingoes that a sight of water had upon a dog suffering from rabies. They snap and snarl and roar. They ridicule the Constitution and revile those who sufficiently old-fashioned as to believe in it, as though they had committed the unpardonable sin. A howl of derision has gone up among the Jingoes from sea to sea at the idea that the Constitution should stand in their way, thwart any ambition they may cherish or forbid any job which they may be incubating. Some of them veil their scorn under polite words and hedge it about with vague terms; but the newspapers state that at the New England Society banquet recently, General Merritt, with a soldier's bluntness, blurted out what was in his own mind, as well as in the minds of a great many other people, by saying: "We have outgrown the Constitution. It is not worth while to discuss it." That is a very curt settlement of a very grave matter. It should set people to thinking seriously and prayerfully. Merritt wears the double stars of a Major-General of the army of the United States, won by approved conduct on many a bloody field. He has long since passed the effervescent period of youth. He has not been noted for speaking at random. He presumably said what he meant and meant what he said—and it is enough to arouse lovers of liberty from their lethargy. Verily the world moves—and fastest of all the American world. Does any sane man believe that any soldier wearing Uncle Sam's uniform would have dared to utter such language boldly and above-board a year ago. One Major-General of the United States, George Washington by name, was the president of the convention—justly considered the most august assembly of men since the world began—which formed the Constitution. His share in producing that marvelous instrument has been by many historians deemed a more valuable contribution to American liberty, prosperity and happiness than his services in the field. Now comes another Major-General, and in the most laconic and matter of course way, announces the end of that Constitution. Not only that, he manifests such supreme contempt for the work of Washington, Franklin, Hamilton, Madison, and their great colaborers that he isn't even willing to discuss it.

While Grover Cleveland was serving his second term, Congressman Tim Campbell, of New York city, was endeavoring

to induce him to do something. Cleveland said: "But, Tim, that is unconstitutional." Thereupon, Timothy replied with his most fetching smile: "Mr. President, what is the Constitution betwixt finds?" Everybody smiled at what was considered a characteristic sally by the witty Irishman; but General Merritt's declaration is no laughing matter. It sounds like a fire-bell at midnight. If "we have outgrown the Constitution," will some Jingo pray tell us under what form of government we are living? Is it a government by the sword? It surely must be; for if the Constitution made by the fathers is abolished, "the government of the people, by the people, and for the people" goes with it and is buried in the same grave. If we have outgrown the Constitution, by what right does William McKinley sit in the White House, or Garrett A. Hobart in the Vice-President's chair? If we have outgrown the Constitution, by what authority do Melville W. Fuller and his eight associates presume to pass on the important questions daily presented to them? If we have outgrown the Constitution, how comes it that ninety men in the North end of the Capitol and three hundred and sixty in the South end persist in the mummery of legislating for seventy-five millions of people? Let it be remembered that every employee of the government of the United States from the President down to the janitor, executive, judicial, legislative, civil or military, holds commission and draws pay under and by reason of that Constitution, which we are flippantly told we have outgrown. But, at the risk of being flouted as "Constitution mongers," there are men who still dare maintain that we have not outgrown the Constitution, and who are unwilling to admit that chaos has come again.

In these latter days we have had all sorts of revivals in literature—a Napoleonic revival, a Washingtonian revival, a Websterian revival, etc., etc., etc. What we most need in this era of wild, reckless, senseless Jingoism is a Constitutional revival. We have gone on the latitudinarian tack too long. The Constitution has been stretched until certain Imperialists have concluded that it has no binding force. It is high time that these embryo Caesars have gags put into their mouths, and that all men shall be taught the great, fundamental truth promulgated by our fathers, that the Federal Government is a government of limited powers.

Senator George Frisbie Hoar, of Massachusetts, has never been accused of being a "strict Constitutionist," but even he appears to have waked up to the fact that their is danger

ahead. He has been refreshing his knowledge of the Constitution, and he finds written therein these potent words, whose existence many practical statesmen seem to have forgotten:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people."

Others are joining the great New Englander; and the signs of the times indicate that a revival of Constitutional study and practice is at hand. General Merritt's startling declaration may turn the minds of many men to pondering that document who would never have done so had he kept his mouth shut.

The Philippine Propaganda may not be inaptly described as the hysteria of politics. If sober argument is urged against it, the astounding reply is: "Who will haul down the American flag?" and the band plays, while the banqueters yell themselves hoarse. James Parton says that for some fifteen or twenty years the most learned and logical arguments of statesmen could be sufficiently refuted by shouting, "Hurrah for Jackson!" So, now all objections to our new-fangled policy of inter-meddling with affairs which concern us not are to be silenced by bawling: "Who will haul down the flag?" as though every flag in Christendom and out of Christendom has not been repeatedly "hailed down" by the very hands which ran it up. General Charles Henry Grosvenor, of Ohio, is making motions as though he intended to set up a claim to the dubious honor of being the patentee of the idea of never hauling down the flag.

When General John A. Dix, on a famous occasion, telegraphed a government official: "If any man attempts to haul down the United States flag, shoot him on the spot!" he touched the great pulsing heart of the nation, because he was talking about hauling down the flag from a place where it ought to float. But General Grosvenor invites nothing but ridicule with his twaddle about never hauling down the flag under any circumstances whatsoever, from any place whatsoever, where it has been run up. If he will reflect a little, he will surely admit that he has no monopoly on patriotism. Nobody constituted him color-bearer extraordinary to the Republic and conscience-keeper of all his fellow citizens. Because men desire to act with common sense is no reason why their love of country should be impugned.

"Who will haul down the American flag?" may provoke

uproarious applause at a banquet, as the President lately discovered, while swinging round the circle down in Dixie; but the cold facts of history show that no nation on earth ever pursued such a preposterous policy—a policy which would inevitably render every war a war of extermination.

Let's take a few samples from history—just a few.

The Emperor Adrian voluntarily hauled down the Roman flag and drew in the confines of the Roman Empire by hundreds of miles, and historians say that he preserved its life for centuries by so doing. If General Grosvenor had been there, he would have said: "Adrian, hold on! Where the Roman eagles once fly, they must continue to fly forever!"

There was once a man named Napoleon Bonaparte, who was much of a statesman, more of a soldier, who roamed around a good deal, and who ran up the tricolor of France in many places outside of France. He may be fairly termed the most masterful flag-raiser of that age. Did he, "the armed soldier of Democracy," who had kings for sentries and nations for his outposts, who elevated his brothers, sisters, marshals, and even his stable boys to thrones, did he, even in the meridian of his glory, refuse to haul down his flag from over the most ancient capitals of Europe, where he had run it up? Nay, not so. This wonderful warrior more than once hauled it down voluntarily, and, as a matter of good sense, in Vienna, Berlin, and other places too tedious to mention.

Had the heroic and invincible Grosvenor been present, he would, no doubt, have remonstrated with the martial Corsican, and said: "Sire, you are sullyng your fame by weakly hauling down your flag from the palaces of the Hapsburgs and Hohenzollerns. Your honor demands that where the French flag has once floated it shall float

Forever and forever,
As long as the river flows,
As long as the heart has passions,
As long as life has woes.

At last, when the Allies captured Paris and caged Napoleon upon his sullen isle, they hauled down their flags from the spires of that fair city and returned with them into their own countries.

It is really a blessing that General Grosvenor was not there on that mournful occasion, or he might have died of heart failure at the spectacle of Wellington hauling down the cross of St. George, or brave old Blucher pulling down

the banner of that fatherland which he loved better than his own life.

In the Crimean War the flags of England and France floated together over Sebastopol; yet, they were willingly—aye, gladly hauled down by Queen Victoria and Louis Napoleon as a sign that war was ended and peace returned. Fortunately—most fortunately—our good gray General was not there with his prophet's beard and heart of fire to remonstrate with the French emperor and British queen upon their folly and lack of patriotism—or the Crimean war might still be in progress and the world would scarcely contain the volumes of Kinglake's history thereof.

Take an example or two from our own history.

Our flag once floated in victory on the river Thames and over the ancient halls of the Montezumas. Does any sane man regret that it was hauled down? Not that anybody ever heard of. Yet, if General Grosvenor's theory had been the rule and guide of our faith and practice, we would still be fighting to keep the flag flying in Canada and in Mexico—for that is the only way known among men by which that result could have been secured.

Our marines once set Old Glory to floating over the walls of Tripoli, but, having sufficiently punished the pirates who had plundered our ships, we pulled down the Starry Banner of the Republic without any loss of prestige, and left the Africans to their own devices. The men who were conducting our affairs then have been generally considered fairly good patriots. Many of them had fought in the Revolution; but they were not fools, and they thought that, having accomplished the purpose for which our flag was run up, it was the part of wisdom to haul it down. As good luck would have it, General Grosvenor had not then been born and his theory had not then been sprung upon a dumb-founded world.

On a day in 1814, the remembrance of which must forever remain a humiliation to us, a British General burned the nation's capitol and set the flag of his country floating above its ruins. Had General Grosvenor's plan been then in vogue, that hateful banner would still be waving where Old Glory now proudly floats, and the Congress of the United States, of which the General is a distinguished member, would be meeting in some other city, if at all—which is the *reductio ad absurdum*. But that hated flag could not have continued to float there. No power on earth could have kept it there. Every American from that day to this would

have died in the patriotic endeavor to haul it down; and, if the English had not taken it down voluntarily, we would finally have accomplished it by main strength.

So let us hear no more of the sublimated idiocy of "Who will pull the flag down?"

Floating in its proper place, it is an emblem of liberty and equity before the law. Floating where it does not belong, it is an insult to the memory of the brave men who have died in its defense.

There is a certain recipe familiar to culinary artists as to the best method of cooking a hare, which is apropos of the discussion as to how we will govern the Philippines, and which runs in this wise: "First catch your hare." The wisdom of that saying is apparent without extending argumentation to the dullest lad that ever went rabbit-hunting in the wild woods. I commend it most heartily to those profound statesmen who are lying awake o' nights, inducing insomnia by over-working their thinkers, trying to devise a system of government for a horde of Cannibals who know nothing and care nothing for government, either with or without the consent of the governed—"all of the governed," as the Declaration of Independence means, or "some of the governed," as Senator Platt, of Connecticut, sneeringly says, "First catch your hare"—which in this modern instance of man-hunting means "First catch your Philipinos." We haven't got them yet and God grant we may never get them! What's more, we can't get them without fighting and conquering them, which God forbid! It makes one sick at heart to think of the brave, useful, worthy American youths who must find graves in that tropical clime before we can even over-run and possess those far away islands, and of the vast array of them who must there sleep the sleep that knows no awakening until Gabriel's awful trumpet shall sound, provided we are idiots enough to hold them permanently. In the great Judgment Day the blood of all our soldiers who die there will be upon the heads of the men who are rushing our country into this monstrous folly. Far better for us were an earthquake to swallow the Philippines and the Philipinos than that we should ruthlessly sacrifice the lives of our sons in this preposterous enterprise. These heathen Malays are the best bush-fighters in the world. We can capture and garrison their towns, lay waste their fields, annihilate their armies, and then, what? They will continually ambush our foraging parties, shoot our pickets on their beats, and harrass us perpetually. Why will we learn

nothing from human experience? Take only one example, Think how Napoleon in the plenitude of his power descended upon Spain and, to all outward appearance, conquered her completely—almost without an effort. He held every fortified and populous town. He took possession of every mountain pass and strategic point. Like Alexander Selkirk on his desert island, he thought, "I am monarch of all I survey." He set up his brother to play at being king in Madrid, and fondly dreamed of a long line of Napoleons on the throne of Charles the Fifth and Philip the Second. But that gorgeous dream was soon shattered; and in the crash that ensued something else far more important was also shattered, to-wit, the Napoleonic empire. In all Spain there was not a Spanish army that would look the French troops in the face, but the Spanish guerrillas killed the French wherever they could find an opportunity and at last Napoleon gave it up in disgust and recalled his eagles to their eyrie upon the banks of the Seine. Casual readers believe that the marvelous soldier's downfall dates from his invasion of Russia. Those who search for the hidden causes of things know that his first long step on the dismal road to St. Helena was when his legions crossed the Pyrenees for the conquest of Spain. We are urged to do a thing ten times as difficult and a thousand fold more absurd. Spain lies at the very door of France; is contiguous territory; inhabited by a kindred people—indeed by a branch of the same people—using a language very similar; possessing a climate only a few degrees warmer; practicing the same religion and bound together by commerce and countless intermarriages. On the contrary, we are separated by seven thousand miles of ocean from the Philippines. We live in the temperate zone, while they inhabit the tropics, where white men cannot live outdoors and labor. They are alien in blood, traditions, and in every conceivable way.

I undertake to say, that it is the first instance in all history where a civilized people was ever called upon by its statesmen to wage a war of conquest for territory for which it has no use and which will prove a curse after it is conquered. Submitted to a vote of the American people, the proposition to acquire these islands would be defeated ten to one. Speaking of the war which is inevitable, if we persist in this astounding undertaking, Hon. E. W. Carmack, of Tennessee, one of the most brilliant young men in the House, uttered this strong language amid great applause:

"Mr. Chairman: This country has lately conducted a suc-

cessful war for a declared and definite purpose. The President of the United States is now waging another war upon his own responsibility and for purposes of his own. The country's war was fought to destroy military despotism in a neighboring island and to confer the blessings of liberty upon its people; the President's war is to establish despotism in another country and to destroy the liberties of its people. The first war was for liberty and humanity; the second war is purely for conquest and dominion. The first war was blessed of Heaven and approved by the enlightened conscience of mankind; the second war is a crime against liberty, and the curse of God is upon it. (Applause.) With the people of the Philippine Islands, whom our armies are sent forth to slaughter, we have no other cause of quarrel than that which the wolf had with the lamb. (Applause on the Democratic side.)

"But I do not rise, sir, to plead the cause of another people. For the sake of my own country and for the welfare of my own countrymen I make my humble protest against launching this nation upon a career of conquest and "criminal aggression." I protest against this policy, for one reason, because it is an abrupt and violent departure from these established principles and rules of conduct which have conducted this nation to glory and power. I protest again because this departure, violent and revolutionary as it is, is being taken without forethought and deliberation, without pausing to measure the consequences, because it is at best a blind leap into the dark."

Again Carmack said:

"It seems that we have at last reached that happy stage when we may easily command the respect and friendship of every nation in the world, when every nation is eager to have our good will, and when we may pursue the paths of peaceful industry undisturbed by international hatreds, unvexed by wars or rumors of wars. And it seems to me that of all conditions this is the happiest for any nation and that we should read with wonder and admiration the words of those great men who prophesied that this time was coming and prayed that it might come. But no; it seems that these wise counsels have decayed with time and lost their virtue.

"One of the champions of this new doctrine disposes of all the wisdom of the fathers of the Republic by saying that it was milk for babes, but that we must have meat for the full-grown man. Yea, let us have meat! And so our mighty Nimrod of the White House has gone forth into the wilder-

ness to bring food fit for the proud stomach of this stalwart generation! Away with the counsels of Washington and of Jefferson! Away with these nursing bottles of our infancy! Come, let us feast like heroes on this raw and bloody joint from the Philippine jungles!

"Mr. Chairman, I may not have got beyond the tastes of infancy, but to me it seems that Washington's Farewell Address is yet proper food for full-grown American freemen and that the nasty and reeking mess that is set before us is fit only for obscene birds and beasts of prey. (Applause on the Democratic side.)

"But, Mr. Chairman, it is not simply the authority of Washington and of Jefferson which we oppose to this imperialist policy. We bring you that authority approved and ratified by every succeeding generation of American statesmen from the birth of the Republic to this hour.

"That which was the policy of Washington and of Jefferson has been the policy of every American President except William McKinley. It was reasserted by Mr. Cleveland in his Venezuelan message with as much emphasis as by Washington in his Farewell Address or by Jefferson in his first message to Congress. When Mr. Cleveland said in 1896 that it was the established policy of this Government to keep itself free from all political entanglements with foreign powers, to remain isolated from their politics and their quarrels, there was not a solitary voice of dissent from that sentiment from any citizen, any statesman, or any newspaper in the land.

"However much other features of that message were condemned, I repeat that the principle that we should make no aggression in other continents and suffer none upon our own received the universal commendation of the people of the United States and the members of this and the other House. It was sanctioned and approved, sir, by these very men who now scoff at and despise it. If, one year ago, Mr. McKinley had been asked to express his opinion of Washington's Farewell Address, he would have answered that he believed every word of it with all his heart and soul. Such would have been the answer of every member of this House."

It is first assumed by the Philippine jingoes that our war with Spain was "a war for humanity," and, then, from that premise, the conclusion—a clear *non sequitur*—is deduced that we should go on waging "wars for humanity" *ad infinitum*; but the statement that our war with Spain was "a war for humanity" is a historic falsehood. The Ameri-

can people in 1896 and 1897 wanted a war with Spain which, if begun then, would have indeed been a clear case of "war for humanity," as we at that time had no cause for giving Spain a flogging on our own hook or by reason of any injury she had inflicted upon us; but the Administration delayed granting belligerent rights to the Cuban patriots, which it was its duty to do, until De Lome wrote his insulting and vicious letter about President McKinley and until the purblind Spaniards murdered 266 of our brave sailors while they were sleeping peacefully in their hammocks in the harbor of Havana, dreaming of their wives, children, homes, and native land. Instantly the posture of affairs in America changed. We then had a *casus belli* of our own against the Dons. Not having been able to induce the Administration to inaugurate "a war for humanity," the people, angry from core to skin, forced the Administration to undertake a war for revenge. That's precisely what the Spanish war was—a war for revenge, pure and simple. Our sympathy for the reconcentrados was forgotten in our consuming wrath at a deliberate insult to our President and the brutal butchery of our seamen. There is no sense in glazing over the fact. No good to come of it. Our sailors did not go into action and our soldiers did not march to battle shouting "Remember the reconcentrados!" Oh! no. They had no thought of those starving wretches; but they made the welkin ring with a battle-cry never to be forgotten in this world; it was "Remember the Maine!"

But supposing, for the sake of argument, that our war with Spain was "a war for humanity," by what method of reasoning do we arrive at the conclusion that we should give the bare-legged and bare-backed Philipinos a whaling in the cause of humanity? Whom are they oppressing? Not a soul. So far as we can understand their simple wants, all they desire is to be let severely alone. As an incident of our own "set-to" with Spain, we broke her shackles off the neck of the Philipinos; but surely that does not confer upon us the right to flog them. But we are told that they are ours by right of purchase at \$2.00 per head, or about 1½ cents per pound avoirdupois. The trouble about that theory is, that we are not in position to maintain it, and have not been since April, 1865; for it was then solemnly settled by the stern arbitrament of the sword that the buying and selling of human beings should cease so far as we were concerned. We ourselves wrote "the bloodiest chapter in the book of Time" because certain of our citizens clung to the

belief that they had a right to buy or sell their fellow men provided their skins were dark enough. There were then only some four millions of these dusky-hued persons in this country, liable to be clapped onto the auction block and knocked off to the highest bidder. For four long, weary, dreadful years we fought each other with the proverbial fury of a family feud, in order to put an end to this traffic in human flesh. Now, with an inconsistency unequaled in history, we are told that we as a nation own ten millions of Philippines by right of purchase—and, by a strange coincidence, they are somewhat off-color themselves. But query: Did we have the right to purchase? Did the Spaniards have a right to sell? Are the Philippinos not to be consulted concerning this change of masters? Are we not estopped by the blood of the brave men who died from Fort Sumter to Appomattox from advancing such a proposition? What difference in principle is there between a few hundred thousand and white men buying and owning four million negroes and the Government of the United States buying and owning ten million Malays? If the Philippinos are not to be consulted, what becomes of that clause in the Declaration of Independence which informs us that "all men are created equal," and that other which revolutionized half the governments of the earth by proclaiming that "all governments derive their just powers from the consent of the governed?" Driven from one untenable position, the nimble jingoes immediately assume another. Their last claim is that we should retain the Philippines because the poor, untutored savages are incapable of self-government, and that if left to themselves they would indulge in revolutions and exterminate each other. I humbly submit that it's none of our affair if they do. We are not in position to be making mouths at other people for waging civil wars. We still bear the scars of a colossal performance of that sort ourselves. Every people has a right to revolute and thereby evolve themselves into any form of government they deem most conducive to their own happiness. It is the law of nature and of human progress. English institutions are bottomed on revolution. Within a little more than a century France has had half a dozen revolutions with another brewing. Hitherto we have deigned to permit the French to revolute to their heart's content; but with our present over-weening ambition, the expectation is not too fanciful for entertainment that our jingoes may warn the French to keep quiet and not attempt to set up the third empire, or we will trounce them within an inch of their lives.

Now, if the English, French, Spaniards, Mexicans, Central Americans, South Americans and Italians may indulge in revolutions, why may not these Malays be permitted the same luxury? Perhaps they would be bunglers at the business and would not pull off a *coup d'état* with as much skill as the French, or behead a king with the solemn flummery of the English, but practice would improve them in this regard, and in due time they would learn to form a constitution or proclaim a republic, empire, or kingdom, with the best of their white exemplars. Truth to tell, under our own theory, they are entitled to any sort of government or none at all, just as they please—monarchy, oligarchy, theocracy, republic, democracy, kingdom, empire, or anarchy. If they desire to extirpate themselves, let them do so—perhaps they are mere cumberers of the ground and the world would be better off without them. Whatever they choose to do, we are not commissioned to say to them nay, just so they let us alone—which they are very apt to do, so long as they remember Manila and what George Dewey did there.

Carlyle says that Russia, Prussia, and Austria had a right to partition Poland in self-defense, just as a man would have a right to turn the hose upon the burning barn of his neighbor to protect his own buildings from the flames; but the Celtic sage reached that conclusion on the ground that Poland was always in a ferment, and by reason of their proximity Russia, Prussia, and Austria were liable to have their internal peace destroyed by her bad example; but we haven't even that excuse for interfering with the Philippinos. They might have a revolution every full and change of the moon, or might carry on a civil war till the crack of doom and it would not disturb our peace, diminish our happiness or curtail our prosperity, if we have the wisdom to let them severely alone. It is only when we go meddling with their affairs which in no way concern us that they can in any way disturb us. Why then go seven thousand miles to find trouble—unending trouble?

It would really appear that we already have enough troubles on hand without flying to others that we know not of. Even our present population is by no means homogeneous. Our phenomenal powers of assimilation may finally enable us to digest the mass into something healthy. But, to say nothing of the numerous breeds of white men, who in the old world were hereditary foes, and who imported their traditional animosities with them into the new, we have some ten millions of Afro-Americans, some hundreds of thousands

of Chinese, nearly half a million red Indians, a sprinkling of Japanese, together with occasional samples of every race of people under the sun. Uncle Sam's family is certainly not homogeneous; it is scarcely happy.

With race troubles in the South, with race riots in Illinois, with racial squabbles going on in divers mining camps, with agitation raging in the North to prevent lynchings down in Dixie, with anti-Immigration Societies besieging Congress to shut out Europeans of our own blood on the ground that they are endangering our institutions by their presence here, with half a dozen sovereign States busy devising means to disfranchise "our brother in black" without infracting the Federal Constitution, with a congressional committee endgeling its brains to discover a scheme of voting in Hawaii whereby the almighty dollar shall be the chief qualification for suffrage, with a perpetual howl ascending to Heaven about corruption in the large cities of the land, with two senators of the United States, and one governor of a great commonwealth under indictment for felonies, with our laboring classes clamoring for living wages, with a vast army of tramps wandering over the country unable to find employment, we are rushing upon fate by taking to our palpitating breasts ten millions of man-eaters in the Philippine Islands, who have no more conception of constitutional government than they have of the Choctaw language. We should first set our own household in order before we inaugurate an unending scheme of humanitarianism.

While President McKinley was down South setting the people in a frenzy of excitement by enquiring two or three times a day: "Who will haul down the American flag? Men of Dixie, will you haul it down?"—while the Spanish and American Commissioners were industriously working in Paris to agree on terms of peace—while, at the same time, all our men of war were hastening to their rendezvous at Manila—while fresh troops were being rushed to the Orient as fast as steam could carry them—the public mind was bewildered as to the meaning of these apparently inconsistent proceedings. They could not understand why we should be increasing our fighting strength in Asiatic waters and the islands of the Far East if our war with Spain was over, as it was not known that we had any other enemy in that quarter of the globe; but the cat's out of the bag; the rat has escaped from the meal tub. The Senegambian protrudes his head from the woodpile; the milk in the cocoanut has been discovered. We know "where we are at" and understand

our mission in life. The mist has rolled away, and there is a huge rift in the clouds which have enveloped us; "our manifest destiny" is settled at last. Lyman J. Gage opened his mouth and spoke at Savannah, and since the art of oratory was first practiced among men, no such eye-opener has fallen from human tongue. *Inter alia*, Lyman said:

"If eight million people in southern seas, so rude as not to use bedsteads, or so poor as not to be able to buy them, can, by the stimulating influence of civilization, be brought to desire and acquire them, by so much our problem is solved."

There it is! We are to maintain a huge standing army, keep up a navy equal to Great Britain's, grind down the taxpayers and pile up a great bonded debt for the purpose of inducting eight millions of people in southern seas into the delectable performance of sleeping on bedsteads—a species of furniture which their ancestors clear back to Adam have eschewed. But, suppose they adhere to their primitive, aboriginal customs and stubbornly, treasonably and violently refuse Lyman's educational theories as to bedsteads and adhere to their hereditary habit of sleeping on the ground, what then? There is only one thing left to be done, and that is, for President McKinley to issue a ukase requiring all the South Sea islanders to provide themselves with bedsteads, and to lie upon them, and, if they still refuse, send the regular army to lasso them, and when caught, forcibly strap them onto the beds as patients are strapped to surgeon's tables. But this heroic treatment would violate the Declaration of Independence, which informs us that among men's inalienable rights is "the pursuit of happiness." Certainly every man (and woman, too) has the right to pursue his own happiness in his own way, so long as he does not injure or harass others. That much is clear. Now, it may be true—perhaps is true—that these South Sea islanders whom we are about to purchase from Spain at \$2 per head can extract more happiness from sleeping on the ground than they could on a royal bed with bedposts twenty feet high, silk curtains, downy pillows, etc., and, I submit, that if they prefer to woo Morpheus by nestling their heathen pates on the bosom of old Mother Earth, that even the Secretary of the Treasury has no right to say them "nay."

Lyman should ruminate upon the great truth voiced by a celebrated poet in these words: "Where ignorance is bliss, 'tis folly to be wise." Forcing our newly acquired fellow citizens, acquired at \$2 per head, to recline their supple forms on bedsteads would be only the beginning of the cur-

tailment of their pursuit of happiness; for if Lyman should be permitted to do that, he might be embolden to compel them to wear trousers and to cease from the ecstatic performance of eating each other—the latter being not only their greatest happiness, but their most beneficial act. Surely Lyman would not be so cruel as that. He might as well think of depriving a New Englander of his codfish or a Kentuckian of his morning and evening “appetizer.” Even Lyman could not gaze unmoved upon the tears—hot, scalding, burning tears of rage and despair—gushing from the sixteen million eyes and down the sixteen million cheeks of the eight million South Sea islanders—our fellow citizens by right of purchase at \$2 each—because he has cut off their usual diet of human flesh. I modestly submit, that even these anthropophagi have some vested rights which even Lyman should respect, among which are sleeping on the ground, refusing to wear trousers and eating each other raw, broiled, boiled, fried or fricasseed.

Another strange manifestation of this virulent expansion mania is our present frame of mind touching the Monroe Doctrine—which was originated by Thomas Jefferson, formulated by James Monroe, upheld by all their successors and universally accepted by our people of whatever persuasion or creed, religious or political. Indeed, it was the only proposition upon which we were ever fully agreed. We differed widely and violently upon the tariff, finance, internal improvement, construction of the Constitution, nullification, secession and every other question of serious import, and upon many of the characters ranked by Mr. Toots as “of no consequence.” But during all our quarreling, bickering, heart-burning and blood-letting there was always one thing upon which we could agree, and that was the Monroe Doctrine. The first historic act performed by the Federal Government after Lee surrendered was to assert the Monroe Doctrine by peremptorily ordering Louis Napoleon to withdraw his legions from Mexico at a time when that lucky adventurer was the dominant figure in old world politics. At a word from us the imperial nephew of his uncle vanished as a dream from the western hemisphere and Maximilian’s mushroom empire tumbled about his ears like a house of cardboard in a cyclone. It is not too much to say that the present Mexican republic lives by reason of our timely and resolute assertion of the Monroe Doctrine; and that pregnant fact is one of our titles to imperishable renown.

The Monroe Doctrine gathered strength with time. It

grew day by day. It was accepted—unwillingly but nevertheless accepted—by European nations as a part and parcel of the law of nations. They doubted our right to assert any such doctrine, but at last, after much grumbling, they apparently agreed with Aaron Burr's famous dictum: "Whatever is boldly asserted and plausibly maintained is law." That we boldly asserted the Monroe Doctrine they knew. That we would maintain it not only plausibly but even to the death, they had every reason to believe. So, with much shaking of heads and fists, with all sorts of oburgations upon the upstarts across the sea, they ultimately concluded to let us have our own way. It was a matter of necessity—"a ground-hog case," as the boys say. The venerable nations of Europe could not help themselves. The most popular act of Grover Cleveland's entire presidential career was to assert the Monroe Doctrine vigorously and opportunely. From being fiercely hated by half his countrymen and regarded with ill-concealed dislike by most of the other half, by that American act he became in the twinkling of an eye and for one brief, halcyon moment, a popular idol. A wave of enthusiasm swept over the land which seemed destined to wash away all recollection of his sins from the public mind. His countrymen were willing to forgive anything in the man who was willing to once more wallop Johnny Bull. Even Richard Olney was lifted from deep obscurity and placed upon the pinnacle of fame because people believed that he had braced Grover up into taking the one heroic attitude of his career. At least five millions of American freemen, from snowy age to downy youth, were panting for a chance to shoulder arms and fight under the oriflamme of Cleveland and Olney in support of the Monroe Doctrine. Old Confederates in an ecstasy of patriotism clasped old Union soldiers to their battle-scarred breasts at the prospect of waging war against England in defense of the rule of political conduct prescribed by the great Virginian for the nations of Europe on this hemisphere. Such was the frenzy of patriotic fervor that it would have been hazardous for an American citizen at that period to have dissented openly from the Monroe Doctrine or to have doubted either its righteousness or its saving grace. It was a sublime spectacle. Now, Johnny Bull cannot be accused of being a timorous creature; but even his high spirit quailed before the stupendous storm which his greedy aggressions in Venezuela had brought about his head. He remembered Yorktown's blood-stained heights and what George Washington

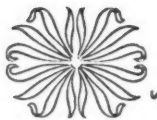
did to him there. He remembered the red field of New Orleans and that matchless Irish-American, Andrew Jackson. He conjured up dreary recollections of Commodore Perry and John Paul Jones, and he suddenly concluded, that he didn't want another thrashing at our hands and that he would rather accept the Monroe Doctrine than fight us again.

All these things happened less than three years ago.

Now, *mirabile dictu*, under the lead of wild and exuberant jingoes, we appear to be willing to abandon that same Monroe Doctrine without a word or a struggle—abandon it completely and forever; for there is not a man living, whose opinion is worthy of consideration, who does not know that the moment we claim the right to intermeddle in old world affairs and to hold old world possessions the Monroe Doctrine is dead as the men who lived before the flood; for it stands to nature and to reason that we cannot play the part of the dog in the manger in this hemisphere and at the same time assume successfully the role of the freebooter in the other half of the world. If we assert the right to colonize there, European nations will assume the right to colonize here, and we will be forever at enmity with everybody from St. Petersburg to Cape of Good Hope. I do not even except John Bull from the list of our enemies, notwithstanding all the gush that is now being poured out by English-speaking peoples upon both sides of the Atlantic. Our friendship for John is a hollow truce—a delusion and a snare. His greed is his ruling passion. He wants New England as much as we want his North American possessions, and notwithstanding his newly discovered affection for his American cousins, he would, if he could gobble up any portion of our possessions or all of them, for that matter, as unceremoniously, and with as little qualms of conscience as he would nab another slice of the dark continent.

Of all the rot ever uttered in this world surely that of Senator Davis proposing an alliance between America, England and Japan is the most preposterous. Why we should form an entangling alliance with any nation on earth, like the peace of God, passeth all understanding; but, of all the alliances that could be proposed, an English alliance is the most unnatural and the most senseless. We are hereditary enemies. We are natural and inevitable competitors for the commerce of the world. We never can be sincere friends. America and England may form all the paper alliances they can devise; but they will be forever watching

each other with suspicion and with hate. Unpleasant memories touching us rankle in John Bull's heart—recollections of startling defeats and galling humiliations by land and sea—and he knows full well, none better, that in America are ten millions of people with Irish blood in their veins, who regard him as a monster of oppression, who can never forget that he drove them and their ancestors from the green fields and rushing rivers of their beloved Erin, and who teach hatred of him to their children as their paramount duty in this life. All these things being true, John Bull can never love us and will never trust us; but John is wise in his day and generation and he is perfectly willing—indeed anxious—to use us as cat's paws to pull his chestnuts out of the fire. Having so used us, he will with traditional bad faith, leave us naked to our enemies; and in that hour of our shame and misery, the verdict of mankind upon us will be: "Served them right!"



CAPTAIN JOHN SMITH, SOLDIER AND HISTORIAN.

Kate Mason Rowland.

1. *Proceedings of the Virginia Historical Society at the Annual Meeting, February 24, 1882, with the Address of William Wirt Henry: The Settlement of Jamestown, with Particular Reference to the Late Attacks upon Captain John Smith, Pocahontas and John Rolfe.* Richmond, Va. Published by the Society: MDCCCLXXXII.
2. *The English Scholar's Library.* Captain John Smith's Works. 1608-1631. Edited by Edward Arber. 1 Montague Road, Birmingham. August, 1884. Limited Library Edition, No. 16.
3. *Captain John Smith and his Critics.* By Charles Poin-dexter, Acting Librarian, Virginia State Library. Richmond: 1893.
4. *The Genesis of the United States. Being a Series of Historical Manuscripts.* Collected and edited by Alexander Brown. Boston and New York; Houghton, Mifflin & Co. The Riverside Press, Cambridge: MDCCCXC.
5. *Early Virginia History.* Letter to the Richmond (Virginia) Times. By Alexander Brown. September 9, 1891.

IN Mr. Alexander Brown's latest volume we have, as it were, a supplement to "The Genesis of the United States," published in 1890, yet the ground covered in the former valuable work is also gone over here (1605-16), and the history of the colonization of Virginia, as supplied by original documents is continued down to 1627. The book is divided into four parts, embracing the periods of the colony "under the crown," so-called, or under the first charter of the London Company, from 1605 to 1609; the colony under the Smythe administration of the London or Virginia Company, 1609-19, and under the Sandys-Southampton administrations, 1619-25, or under the second and third charters; and

finally a chapter is given to the colony "resumed by the crown," 1624-27, when the Company went out of existence. As the sub-title of the book denotes, and the preface makes fully apparent, Mr. Brown proposes to give "an account of the origin of this nation [the federation of the United States] written from the records then (1624) concealed by the council, rather than from the histories then licensed by the crown." And we are asked, at almost every step in our journey, to cast a stone at that object of Mr. Brown's fanatic dislike, Captain John Smith, the "historian" *par excellence* of the periods under consideration. This latest Virginia "historian," Captain Smith's successor, would have us believe that the Company records compel abjuration of the licensed histories published without the Company's consent. But does he prove his contention?

The theory upon which "The First Republic" has been constructed is this — that the Virginia Company, under its second and third charters, was under the guidance of "patriots" and quasi-republicans, and that all who criticised their management of the colony were King's men and opposed to popular government. Mr. Brown maintains that under the first charter the King governed, as he did after the control of the colony was taken from the Company, and that all who upheld the first charter and defended the later royal government were unpatriotic and unrepblican. In this class came Captain John Smith and his friends, the writers of the "Oxford Tract," the writers in the "General History," Purchas, Crashaw and others. Of course, there were many members of the Company who believed that Virginia should no longer be controlled by a corporation in London, but that it could aspire to higher things as a crown colony. And all Englishmen were royalists in the reign of James I. Certainly all Virginians were royalists in this and subsequent reigns, and their government was no "republic" at any time before 1776. Their loyalty to Church and King was conspicuous in the reigns of the Charleses, and the cavaliers who came over from England to Virginia during the Civil Wars stamped their impress irrevocably upon Virginia's life and character. But so completely is Mr. Brown imbued with his theory that he says, p. 118, of Archer and Ratcliffe, who both died in Virginia, that, because they had petitioned for the second charter they were "the first American patriots to protest against a royal form of government in this country." James I. had drafted the first charter and so it is dubbed "royal,"

but it was no more or less royal, in a technical sense, than the two that followed. Loyalty to King James did not necessarily mean devotion to despotic government. There were many cavaliers of Falkland's type, then and later, among the believers in the *jus divinum* of Kings. No doubt it would have astonished Southampton and Sandys if they had been told of their "republican" undertaking. Because Captain John Smith, however, in the dissensions of the Company took the opposite view from Archer and Ratcliffe, Mr. Brown declares, p. 119, that he "was the enemy of the martyrs of our genesis, and an opponent of the formation of the first republic in America."

It was in the reign of the Scotch Queen's son that the fair land, named in honor of great Elizabeth, came permanently under the sway of the Anglo-Saxon. A treaty of peace had just been concluded between England and Spain, and this was the Englishmen's opportunity for gaining a foothold in the New World, so jealously claimed for her own by the proud Kingdom of Spain. On the return of Captain George Weymouth from a voyage to America in July, 1605, the first stable plans for colonization were formulated, succeeding the tentative efforts of a long list of adventurers, including Walsingham, Gilbert, Raleigh and Sidney, and extending from 1585 to 1603. The first Virginia charter granted by James I., April 10-20, 1606, gave authority to the two companies, the London Company and the Plymouth Company, "for two several colonies to be made in Virginia and other parts and Territories of America along the Sea Coasts between 34 Degrees and 45 Degrees of North Latitude." The first or Southern Colony, says a Virginian, writing in 1773, "which still retains the name of Virginia, was undertaken and begun by several persons in and about London (Dec. 19, 1606) who fitted out two or three ships under the command of Captain Christopher Newport, which sailed from England to America (April 26, 1607). The first land they discovered on this coast was the southern point or cape of Chesapeake Bay; which they called Cape Henry (the name it still retains). Here they first landed and after spending some days in examining the country and looking for a proper place for their settlement, they fixed upon a peninsula (May 13) about forty miles up Powhatan River (since called James River) and on the north side of it, which they called James Town, in compliment to the King, the name it has ever since retained. At this place the seat of Government remained for a great many years and from this

beginning proceeded the colony of Virginia." This first charter by its fifteenth section insured to all Englishmen and to their children in "the said several Colonies and Plantations," the enjoyment of all "Liberties, Franchises and Immunities to all Intents and purposes as if they had been abiding and born within the realm of England or any other of His Majesty's Dominions." Here was the beginning of American liberties, the stepping-stone to popular assemblies. "There can be no doubt," wrote George Mason, "but this and every clause relating to the people and inhabitants in general (not to the particular property of the Company), under the faith of which our ancestors left their native land and adventured to settle an unknown country, operates and inures to the benefit of their posterity forever, notwithstanding the dissolution of the Virginia Company, had such dissolution been ever so legal." Of this dissolution he speaks as:

"An event (however illegally and arbitrarily brought about) very happy for the people of Virginia, who were thereby taken from under a proprietary government, and placed under the immediate government and protection of the British crown."

Captain John Smith came over with Newport to Virginia, remaining until October, 1609, when he sailed for England never to return to the "Plantation" with which his name was to be forever associated. A brave, strenuous, true-hearted nature, abhorrent of idleness, of shams, and of all baseness, he very naturally made enemies among some of the headstrong and, in several cases, unscrupulous men with whom he was thrown. He was accused of promoting or "concealing" a mutiny on the voyage to Virginia, but the charge fell to the ground, and he was soon in his proper place in the council, the body to which the government was intrusted, while his detractor, Wingfield, was fined for slander. While the hardships of the enterprise disheartened others, Captain Smith's bold genius rose to the emergency and enabled him to be the support and stay of the infant colony. Newport, who had gone back to England in June for further supplies and additional colonists, returned in January, 1608, to find one of the seven members of the council dead, and two of them, including Wingfield, the President, under arrest, Ratcliffe having succeeded to this office, while the hundred and five colonists had seen their numbers much reduced by deaths from sickness and starvation.

Though Captain Smith had explored the country, trading with the Indians for corn and other necessities, and three

times preventing the abandonment of the settlement, his own life was then in peril through the agency of one of his enemies, Gabriel Archer. Smith had just returned from one of his expeditions up the Chickahominy River, where he had been captured and two of his men had been killed. By his address and presence of mind, and finally through the intervention of Pocahontas, his life had been saved, and he was sent back to Jamestown with an escort, only to meet the charge of being accessory to the murder of his two companions, and to be condemned to death by the council. Newport, upon his arrival, dismissed the charge and reinstated Smith; and when Newport sailed for England, carrying with him Wingfield and Archer, Smith was again to the front in the colony, making explorations of importance, for which he was afterwards censured by those who wanted to get the credit of his discoveries. After Captain Ratcliffe's term expired Smith became president. He had secured a faithful friend in the gentle Indian princess, who in her turn influenced the powerful emperor, her father, so that supplies of corn more than once saved the colonists from famine, and timely warnings enabled them to frustrate the plots of hostile savages. Captain Smith had prepared a map of the country, considered a marvel of skill for the period, and the conditions under which it was sketched, and he had written a description of the inhabitants. These were taken to England by Newport, and were published by Smith at Oxford in 1612. Captain Smith would doubtless have continued longer in the colony after his term as president had expired but for the terrible wounds he had received through an accidental explosion of gunpowder, which obliged him to return to England for surgical treatment. "Thus we lost him," wrote one of his friends, "that in all his proceedings, made justice his first guide, and experience his second * * * that loved actions more than words, and hated falsehood and couenage more than death."

It is only within recent years that our Virginia hero has been discredited as an historian and editor, and as an actor in the scenes so well described in the volumes bearing his name. Certain historical students confined, with the exception of Mr. Alexander Brown, to Northern writers, have undertaken this ungracious task, but so well have their cavils and criticisms been answered, impartial writers now dismiss them as flimsy and untenable. "A Discourse of Virginia, by Edward Maria Wingfield, the first President of the Colony," edited by Mr. Charles Deane, of Massachusetts,

in 1860 (the pamphlet up to this time having remained in manuscript in the Library at Lambeth), afforded Mr. Deane an opportunity for the initial step in the assault upon Captain Smith's veracity, which he subsequently followed up in 1866, when editing a reprint of the anonymous tract, "A True Relation of Virginia," ascribed to Smith. Mr. Henry Adams and the Rev. Edward D. Neill, in 1868 and 1869, the former in a magazine article and the latter in his "History of the Virginia Company of London," took their cue from Mr. Deane, Neill extending his animadversions so as to blacken, in addition, the good names of both John Rolfe and Pocahontas.

Virginians at this period were too much absorbed with their latest armed struggle for independence, and the engrossing personal and political cares following upon the defeat of their hopes, to give any attention to the writings of their "enemies;" so the story spread uncontroverted, and a "History of the United States" came out in 1876 by William Cullen Bryant and Sydney Howard Gay with these toothsome slurs upon the "Father of Virginia" incorporated into its veracious pages. Next, in 1881, Mr. Charles Dudley Warner added his sarcastic touches to the picture, with the strokes of levity and caricature his publishers demanded. Such, in outline, were the processes in the anti-Smith crusade, which might well write itself as the "Autobiography of a Slander." But now the Virginia Historical Society came to the rescue. In 1882 there was published in pamphlet form the proceedings of the society at its annual meeting, February 24, with the address of Mr. William Wirt Henry, delivered at that time. Mr. Henry took for his subject, "The Settlement at Jamestown, With Particular Reference to the Late Attacks upon Captain John Smith, Pocahontas, and John Rolfe." It was a thorough and complete vindication of Captain John Smith; and Mr. Henry easily disposed of the malicious insinuations against the Lady Pocahontas and that gallant and upright gentleman and Christian, her husband. Of Smith, Mr. Henry says, after summing up the evidences in support of his veracity and recounting his claims upon our gratitude:

"As his companions freely accorded to him the honor of being the real founder of Virginia, now that his work has developed into such a power for the advancement of mankind, the world should freely accord him the great honor which is his due. His name, belittled by Fuller in its insertion among the 'Worthies of England,' should be enrolled

among the 'Worthies of Mankind,' and he be forever assigned an honored place among the founders of great nations."

Two years after the appearance of Mr. Henry's pamphlet, Edward Arber published in "The English Scholar's Library," his noble edition of the works of Captain John Smith, then, for the first time, collected in one book. Professor Arber wonders, not unnaturally, "why New England writers should attack" Smith when he had done so much for New England as well as for Virginia. He dismisses as absurd the charge of Palfrey, made in 1858, that Smith had employed "hack writers" in the compilation of "The General History." Of the Pocahontas incident he says: "Supposing it to be altogether untrue, from first to last, how is the return of Smith with Powhatan's favour to be accounted for, when each of the other three men that came into the power of the Indians at the same time, perished? Up to the very moment he arrived at the fort [Smith] momentarily expected death. Evidently some interposition had occurred in his favour, and his own relation of that interposition was strikingly confirmed by the appearance and presence of the hitherto unknown young Indian girl."

Looking at his subject from the Englishman's standpoint, Professor Arber thinks the Pocahontas rescue is given too prominent a place in the consideration of this adventurous life, and that Smith, "as an actual fact, took no particular notice of this short, sudden jeopardy and his fortunate escape (having been daily carrying his life in his hand for years past with an Englishman's usual delight in perils and adventures), until in the *General History* of 1624, he felt himself bound to do so, in order to give in its completeness the whole story of the James River colony. To have dwelt upon it in his earlier books would have been thought at the time, an exhibition of personal vanity, in making too much of one out of many narrow escapes." And one cannot read Captain Smith's works, says this fair-minded English writer, "without seeing that John Smith was something more than a brave and experienced soldier. Not only in his modesty and self-restraint, his moderation and magnanimity, his loyalty to the King, affection for the Church, and love for his Country, did he represent the best type of the English Gentlemen of his day; but he was also a man of singular and varied ability." Of Smith's accuracy as an historian his editor has no doubt, after subjecting the text "to a most searching criticism," and he comes, at the close of his la-

bors, "to the unhesitating conviction, not only of Smith's truthfulness, but also that, in regard to all personal matters, he systematically understates, rather than exaggerates anything he did."

Mr. Alexander Brown brought out his "Genesis of the United States" in 1890, in which, by a singular perversity, a Virginian is found ranging himself with the Deanes, Neilles and Adamses as one of Captain Smith's detractors; and an important historical work is seen to be vitiated, and the writer's laborious investigations warped and distorted, wherever his own pen is used, by the constant effort to pillory Captain John Smith. His jaundiced eye sees all Virginia's early history in the yellow light of Smith's imagined transgressions. Nothing the doughty captain ever did was right; nothing that he ever wrote was true. Wherever Captain Smith's writings come under consideration they are annotated by Mr. Brown's sneers and doubts. The letter of 1608 to the Council in England; the letter to Queen Anne, of 1616; the account of the rescue by Pocahontas are all stamped without a hesitating qualm of conscience as "untrustworthy" or "untruths," and among "the afterthoughts of Smith's *General History*." And Mr. Brown's biographical sketch of Captain Smith is like the play of Hamlet with Ophelia left out. Not once is the name of Pocahontas mentioned.

Following Mr. Henry and Professor Arber in the defence of Smith, there was published in 1893, the address of Mr. Charles Poindexter (then Librarian of the Virginia State Library), delivered before the Geographical and Historical Society of Richmond College, Richmond, Virginia, "Captain John Smith and his Critics." This interesting little pamphlet logically and eloquently presents the case for Virginia's maligned founder; and, while necessarily repeating some of the arguments of the two gentlemen who had preceded him, Mr. Poindexter throws new light upon the subject, and effectively deals with the points at issue. He discusses at length the Pocahontas incident, a matter which to Virginians seems of much greater moment than it does to Englishmen.

While Captain John Smith was in Virginia in 1608, there was published in London by a person signing himself "J. H." a letter from Virginia, obtained, as the editor stated, by chance, at second or third hand, purporting to have been written by "A Gentleman of the Colony." In the second edition of this epistle it is ascribed to "Thomas Watson,

Gentleman of the Colony." In still a third edition, the title-page informs its readers that it is by "Captain John Smith, Colonel of the Colony." To this third edition there is affixed a preface explaining that the letter had been attributed to Watson by mistake, and making the all-important admission that whether written by Smith or by Watson, the letter was not printed entire. The editor says:

"Somewhat more was by him [the author] written, which being, as I thought, fit to be private, I would not adventure to make it public."

The letter called "A True Relation or News from Virginia," describes, in the first person, Smith's experiences and adventures in Virginia, but says nothing of the Pocahontas incident. The inference is, therefore, drawn, by the modern coteries of Smith's adversaries, that he invented the rescue by the Indian princess some years later, to embellish his narrative and add to his own importance. As this, however, is not the only incident omitted in the letter and given in the "General History," the force of the charge is broken, while it is not unreasonable to suppose that these were the suppressed portions of the letter as originally written. And the editor, in leaving out of a private letter from Virginia incidents that would have shown the dissensions among the members of the council and the special peril to which one of them had been subjected, would have followed the instructions of the Company to the colonists, not to "write any letters of anything that may discourage others." The circumstances attending the publication of this tract, and the fact that Captain Smith ignored it in his compilation of the "General History" combine to throw some doubt upon its authorship. Mr. Poindexter thinks it is probably "Smith's letter perverted and distorted by the editor. 'J. H.,' for a purpose, of which we may fairly conjecture." He thinks that Smith alludes to the "Relation" when he speaks, on the last page of his "History of Virginia" of the objections that will doubtless be made to his narrative, that he had "writ too much of some, too little of others," adding: "As for every fatherless or stolen relation, or whole volumes of sophisticated rehearsals, I leave them to the charge of them that desire them." The same Company instructions that influenced the editor of the "True Relation" would have had their weight with the other early writers on Virginia, who failed to notice Captain Smith's romantic adventure. But good reasons can be assigned, independently of the satisfactory one stated, to show in the case of each one of the four

or five Virginia books, written between 1608 and 1616, probable causes for the omission. In 1616, Captain Smith wrote a letter to the Queen, upon the visit of Pocahontas to England, commending the Indian princess to the favor of royalty, and describing his debt of gratitude to her. Smith published his pamphlets on New England in 1616, 1620 and 1622, and in the latest one of these tracts he briefly mentions the rescue by Pocahontas, of which he again speaks to the King's commissioners in 1623. "Six weeks," he says:

"I was led captive by those Barbarians, though some of my men were slain and the rest fled, yet it pleased God to make their great king's daughter the means to return me safe to Jamestown."

A detailed account of his captivity and deliverance finally appeared in the "General History," published in 1624. None of his contemporaries contradicted the story or insinuated a doubt of its correctness. And there were many then living who would have known if it had been false, and an "afterthought" and "invention." As Professor Arber and Mr. Poindexter note, the really incredible thing is that Smith should have been captured by the Indians and not slain, with no motive assigned for sparing him. Given the intervention of the King's daughter and cause and effect are plainly seen.

Mr. Alexander Brown in a letter to the *Richmond Times*, written in 1891, says:

"I would be very glad to feel sure that I would be sustained by Virginians in writing a history of the first English colony established in this country which was not a mere eulogy of any man."

This, and other articles were published, as he says, "to clear the way for this work." And now that the work has appeared it is found that Virginians cannot sustain its author in his vituperation of the "man" here alluded to, and his eulogy of that man's least deserving associates. In the letter above quoted there is found an instance of Mr. Brown's caviling attitude toward Smith. He says:

"Captain John Smith signs himself 'sometimes Governor in those countries.' But he had no right to that title either in Virginia or New England, or the Lower Islands. Sir Thomas Gates was the first Governor of the Colony of Virginia, and Thomas West, Lord De La Warr, was the first Lord Governor of Virginia and of the colonies there."

It is apparent, however, that Smith simply used the term as a synonyme for the title president then given to the rulers

of the colony. Gabriel Archer wrote, August 31, 1609, before the arrival of Gates, that they had elected Francis West (who would succeed Captain Smith), "to be their governor, or president *de bene esse*, in the absence of Sir Thomas Gates." So Ratcliffe, writing of Captain Smith, October 4th, described him as "Captain Smith, the President, who reigned sole governor." And Mr. Brown, p. 73, of the "First Republic," quotes from the managers of the enterprise in England where they speak of "equality of governors, and some outrages and follies committed by them," and explains "governors" to mean here, "the Presidents of the Council in Virginia." Archer, Ratcliffe, Percy, West and Martin are the authorities Mr. Brown relies on to prove that "Smith did more harm than good as an actor in Virginia." Mr. William Wirt Henry, in his recent review of "The First Republic," sums up the characters of these five men, and while showing that they were not absolutely trustworthy witnesses, he calls our attention to the fact that, with the doubtful exception of George Percy, Mr. Brown "does not and cannot point to such a statement made by any of these men." A quotation from Percy, p. 94, accuses Captain Smith, after Argall had sailed from Virginia, September 10, 1609, of entertaining the new arrivals in the colony, among whom were Ratcliffe, Martin and Archer, with "feastings, expense of much powder and other unnecessary Tryomphs." All this "was spent to no other purpose but to Insinuate with his reconciled enemies, and for his own vayne glory for the which we all after suffered. And that which was intolerable did give leave unto the seaman to carry away what victuals and other necessities they would." May it not be possible that Captain Smith could justify his "feastings," if such they were, as well as his generosity to the hungry seamen? At any rate, we will remember Mr. Brown's admonition, *a'propos* of Francis West, who has been blamed for running away to England in the *Swallow* with the corn he had procured for the colonists from the Indians: "It is not just for us to condemn him without hearing his defense." The most serious, perhaps, of Mr. Brown's imputations against Captain Smith's integrity is the dishonoring insinuation on p. 147 that he may have furnished drawings of his Virginia map to the Spanish government; in other words, that he was a traitor, betraying his country to that country's worst enemy.

Captain Smith had not the arts of the courtier, but he was the trained soldier and born leader of men. He saw from

the beginning what was needed for the successful colonization of Virginia. Not so many "gentlemen of fashion," for one item, like those Captain Percy kept a daily table for in Jamestown in 1611, but more tradesmen and tillers of the soil. As some years later the injunction carried from England to Virginia was "make tobacco," so in this first decade, the charge of the Virginia company came across the Atlantic, "find us gold, or the route to the South Sea." The mercantile spirit was the predominating one, as was natural in the Virginia Company, this great corporation of merchants, gentlemen and noblemen, though they had proposed to themselves three objects—to Christianize the savages, to plant a province for the King in the New World, and, lastly, to profit themselves and England in a business way. The first object, like the "benevolent assimilation" we hear of at the present day, was found to be impracticable. The Indian would regard the white invader as his foe, and rejected both his civilization and religion, coming as they did, hand in hand with the conquest of his country. Captain Smith realized these conditions, and his former experiences in half civilized countries enabled him to deal with the Indians more successfully than most of his associates. His alert, resourceful intellect established, an influence over their superstitious, half-developed minds which is displayed on more than one occasion. He had returned unscathed from the kingdom of the wily Powhatan, while Ratcliffe went to his death there later "betrayed and murdered." It is vain for Mr. Brown to attempt to belittle Smith's services to the colony. The records of the Virginia Company, confessedly incomplete and imperfect as they have come down to us, are frequently colored by party spirit, and those that were published by the Company were often carefully arranged to make their management appear in the best light, as Mr. Brown admits while making use of them. With Smith's departure came the "starving-time"—when but for Lord Delaware's opportune appearance Virginia would have been abandoned. In 1622 came "the massacre," and Smith had vainly urged measures which might have prevented it. "Pardon me," he writes, with the eloquence of true feeling, "though it passionate me beyond the bounds of modesty, to have been sufficiently able to foresee their miseries and had neither power nor means to prevent it."

While Professor Arber sees in Captain John Smith a character he delights to contemplate, the model of "an English gentleman and officer," Mr. Poindexter regards him as

the type of the liberty-loving Virginian, whether he be found under the name of Royalist or Revolutionist or Confederate. Speaking of the "almost marvellous influence of his [Smith's] name and fame, and how it has survived and permeated Virginia and American history," Mr. Poindexter adds:

"What is the secret of this supremacy and the homage paid his memory through all these generations? It may be questioned whether it is due only to the hero of the adventure through which his name is most familiarly known. Is it not also an unconscious tribute to the man who first sounded the keynote of Virginia history, to which it has remained true in all subsequent chapters? Virginia history is also written in the lives of five or six men, whose life-periods nearly lap; and the keynote of this history is the protest against 'prerogative,' and the assertion of the rights of self-government. The lives of Washington and Lee, the last of our great protagonists, embody the struggles of a mature and well-organized commonwealth in defense of the principles and rights asserted in the infant state of the same community by Smith and Bacon. For, though not formulated as in later times, when the mature consciousness of a well-developed community could express itself, and stamp upon the page of history the definite assertion of their rights, yet the inspiration and motive of Smith and Bacon were essentially the same as those of their later and logical successors. Their earlier deeds laid the foundation on which later generations builded; their assertions of rights marked the path and blazed the way along which our subsequent history has moved."

When Mr. Brown is not giving us his view of what he calls "the John Smith question," his chronicle is both of much interest and importance. Virginia's history is viewed from all sides; as depicted by the actors themselves; by the Company's proceedings in England; by the debates in Parliament; by letters from prominent members of the Company and others, and as reported by the vigilant Spaniards, Zuniga, Velasco, and Gondomar, in their dispatches to their sovereign. The Spaniards in Cuba and Florida were also observant of the English colony, and more or less correctly informed of its progress. As with "The Genesis of America," Mr. Brown's latest volume contains a rich mine of material for Virginia's future historians, though the motive running through both books is so much to be regretted.

In conclusion, let a Virginian protest against Mr. Brown's

classification of the poem quoted on his last page, as "*our national hymn.*" To New England alone, and those States peopled by New England, is the line appropriate—

Land of the pilgrim's pride.

And to leave it to be inferred, as this song does, that New England is "*America,*" and that we must all claim the Plymouth Rock "*fathers,*" is an assumption we are not prepared to admit, and a manifest injustice to our royalist and cavalier ancestry of "*The First Republic in America,*" otherwise known as "*The Old Dominion.*"



CHILDE ROWLAND.

By Peirce Bruns.

1. *English Fairy Tales.* By Joseph Jacobs. David Nutt, London: 1892.
2. *Childe Roland to the Dark Tower Came.* By Robert Browning.
3. *Comus, a Mask.* By John Milton.
4. *Edgar's Song in King Lear.* By William Shakespeare.

THOUGH nearly eight years have elapsed since the publication of Mr. Jacobs' little collection of English fairy tales, it is, probably, to most of our readers as unknown a land as the precincts of the Dark Tower itself. Nor is this wonderful. The very binding and typography of the book make a plain appeal to the reading (or non-reading) public of the nursery. Few, therefore, are the adults who would even open its covers, and still fewer those who would hunt through the pages until they found the notes that hold such a mine of folk-lore. Indeed, so extensive is the lode that we have thought it better in the present review to confine our attention to a single one of Mr. Jacobs' shafts, believing that we could thus better convey to our readers an idea of the extent and value of the entire work than would be possible if we attempted a mere general survey.

We shall, therefore, consider only the story of "Childe Rowland," the most important in the entire collection, not only on account of the mark which it has left on some of the masterpieces of English literature, but, also, on account of its intrinsic interest.

The story itself is taken by Mr. Jacobs from Jamieson's "Northern Antiquities," and Jamieson in turn took it down from the narration of a certain tailor, a Lowland Scot.

The tale is briefly as follows:

Burd Helen (i. e., Maid Helen) is playing at ball with her three brothers near a church. The ball rolls around the

church. She runs after it, and never returns. Her brothers, in their distress and perplexity, seek aid of the warlock Merlin. He informs them that their sister has been carried off by the Elf-King and shut up by him in his abode, the Dark Tower. The brothers, of course, are eager to effect a rescue, and the eldest arms himself and sets off at once, after receiving minute instructions from Merlin as to the methods of breaking the Elf-King's spells. In spite of all, however, the eldest brother never returns, nor does the second, who follows the first, fare any better. The youngest son, Childe Roland (or Rowland), now arms himself with his father's claymore, that never struck in vain, and sets out on the quest. He carefully follows Merlin's first instruction to strike off the head of every person with whom he speaks after entering the Elf-King's country, and thus arrives safely before the Dark Tower. The reason for this first instruction is not given in the story, nor by Mr. Jacobs, but it is evident that all the creatures in the Elf-King's land were evil spirits, and it is a widespread belief that if a ghost succeeds in having the last word the results will be fatal to his interlocutor. We suppose, therefore, that Childe Roland's method of closing these interviews was intended to secure the last word to himself, and certainly no more effective plan could have been devised. Then follows a description of the Dark Tower, which is not a tower at all, but a green hill, ringed round with grassy terraces, and having an entrance at the base. Childe Roland, following Merlin's instructions, walks three times around the hill, going widdershin (i. e., against the sun's course, from west to east), and crying, "Open door, open door, and let me in." At the third circuit the door opens, and Childe Roland enters, and passes through a long narrow hallway, or tunnel, which opens into a square central chamber set with jewels, and lighted from above by a great carbuncle. Here he finds Burd Helen and his two brothers.

His brothers have been deprived of the power of speech and motion by the Elf-King's enchantments, but Burd Helen is apparently free from the charm, and Childe Roland, after the first joy of their meeting is past, asks her for food and drink. Now Merlin's last instruction to him was, that he should touch neither food nor drink while in the Elf-King's land, but this has, for the moment, escaped his memory, and the spell which the Elf-King has laid on Burd Helen prevents her from warning her brother. However, just as Childe Roland is about to drink the fatal cup, he remembers

Merlin's words, and dashes it on the ground. At this moment the Elf-King enters shouting:

"Fee, Fl, Fo, Fum,
"I smell the blood of a Christian man;
"Be he dead, be he living, with my brand
"I'll dash his brains from his brain-pan."

To this Childe Roland answers scornfully: "Strike, then, Bogle, an thou darest." A fight naturally follows, in which the Elf-King is overcome and forced to release Burd Helen and her brothers from his spell. This he does by applying a blood-red liquid to their eyes, lips, nostrils, ears and finger tips.

The successful hero then returns home with his sister and brothers. We are not told anything further about them or the Elf-King.

Personally, I am rather sorry for the Elf-King. He was evidently "born out of due time." If he had lived in this century and been possessed of the same title and wealth which he is said to have had at that time, he would not have been obliged to carry off Burd Helen by force or charms, nor would his head have been broken by her choleric brother. But these reflections are too sad. Let us then return to our sheep, Mr. Jacobs' "bell-wether," and follow it in its wanderings through English literature.

Probably the earliest trace of this tale in English literature, properly so called, is Edgar's song in *Lear*, evidently a fragment of this Cante fable:

"Childe Rowland to the dark tower came.

* * * * *
"His word was still: Fee, foh and fum,
I smell the blood of a British man."

This broken verse, short as it is, is highly interesting, not only as showing that this nursery tale was well known in Shakespeare's time, but also as enabling us to fix the date of *King Lear*. The words, "Christian man" in the original, are changed by Edgar to "British man," showing that the play must have been written after the accession of James I King of Great Britain.*

Next to Shakespeare, the highest place in the kingdom of English poetry is usually assigned to the author of "Para-

*Quaere: In this substitution of British for Christian, as though the terms were convertible, do we dimly discern the beginning of British Phillistinism.

dise Lost." So it is among the works of Milton that we naturally look for traces of Childe Roland. Mr. Jacobs is of the opinion that the "Maske of Comus" is chiefly founded on the story of the Childe's quest, for which belief he adduces the following reasons:

First, that the plot of "Comus" is essentially the same as that of "Childe Roland." In "Comus" the lady falls into the power of an enchanter, and is eventually liberated by the exertions of her two brothers, with the aid of a friendly spirit who assists them, as Merlin helps the brothers in "Childe Roland." Second, that in "Comus," as in "Childe Roland," it is fatal to touch the food or drink of the enchanter. Third, that the bespelled heroine in "Comus" is liberated by Sabrina, who sprinkles the magic drops on the lady's finger tips, and breast, while in "Childe Roland" the Elf-King liberates the spell-bound brothers by anointing their eyes, lips, nostrils, ears and finger tips.

Now, the first reason seems to us conclusive. The parallelism of the plots is so close that it can hardly be accidental. It is true that in "Comus" the brothers go on the quest together, and succeed at the first attempt, but this variation may be accounted for by the dramatic form in which Milton has cast the story—a form which will hardly allow of a direct representation of the failures of the first adventurers, as it would be too lengthy and monotonous, while a narration of such failures, put into the mouth of one of the characters, would interfere greatly with the action of the play.

Here Mr. Jacobs should, in our humble opinion, have rested his case; for, in trying to find other points of resemblance between "Comus" and "Childe Roland," he weakens rather than strengthens it. The lady's refusal to drink the enchanter's cup, which would put her in his power, is evidently *not* taken from "Childe Roland," but from the story of Circe in the "Odyssey." We are expressly told, in the very first lines of the mask, that Comus is Circe's son, and that a draught from his cup has the same effect as one from hers.

As to the method of disenchanting the heroine in "Comus," it may have been taken from several sources other than "Childe Roland." Mr. Jacobs himself suggests that the method of disenchantment practiced in "Childe Roland" may have been suggested by the sacrament of Extreme Unction, and why would this not apply as well to "Comus?" Certainly the method of freeing persons from spells or sin by applying some magic or holy fluid to organs of the senses

(eyes, ears, etc.,) or to the breast (the seat of life), is natural and widespread. We find it among the early Tutoinic tribes,* among the Jews,† and even among the modern Hindus.‡ On the other hand, the rescue of a distressed lady by her brothers is a very unusual incident in folk-tales (or, for that matter, in the literature of the *cultur-volk*); the rescuer is almost always a husband or lover. Therefore, on this ground alone, we are fully convinced that Mr. Jacobs is correct in holding that he "Mask of Comus" is a lineal descendant of the cante fable of "Childe Roland."

This conclusion throws some light, however flickering, on a number of interesting questions of which we have time to consider only one. Mr. Andrew Lang, in an essay on the "Kalevala," has propounded the following question: "Have the higher mythologies been developed by artistic poets out of the materials of a race which remained comparatively untouched by culture, or are the lower spirits and the more simple and puerile forms of myth degradations of the inventions of a cultivated class?" "And," he adds, "in the majority of cases the former theory is correct."§ Now, here is a case in which the former theory is undoubtedly correct. Here, evidently, a common folk-tale has been developed by an artistic poet into a higher mythology. The "lower spirit," the Elf-King, has become a god, Comus and the wizard or medicine man, Merlin, is transformed into a benevolent spirit.

The same high development of this simple myth is also found in Browning's famous poem, "Childe Roland to the Dark Tower Came." We do not pretend to say what this extraordinary poem means. The "Browning Society" seems pretty generally to hold that it is an allegory, though no one of them explains it in the same way. But whether Browning's Childe Roland is a modern Leonidas, or an atheist, or a vivisectionist, or what you please, there can be no doubt that the powers of the Dark Tower in this poem are no mere elves, but the very Powers of Ancient Night and Dis. This is another confirmation of Mr. Lang's theory, and, curiously enough, in this same poem we have also an illustration of his wisdom in claiming its correctness for the majority of cases only, and not for all.

*See note to "Childe Rowland," in Jameson's "Illustrations of Northern Antiquities," p. 40.

†Lev. XIV., p. 14-29.

‡Panch Phul Ramee, in M. Frere's "Old Deccan Days."

§"Custom and Myth," p. 179.

"A great black bird, Appollyon's bosom friend," etc.—

An instance of the well-known degradation of the great Sun God of Hellas into a mere devil.

So far we have been merely tracing the literary offspring, so to speak, of the old cante fable of "Childe Roland," and surely they are an illustrious family. Now it may not be uninteresting to consider its ancestors, or in plain speech, to try to see how such a myth most probably arose.

This, in the good days when Max Muller was consul, would have been the simplest thing in the world. *Ἑλένη* (Helene), Helen or Ellen, evidently means the "bright one." In Greek, indeed, the same word, *Ἑλένη* (Helene), means both *Helen* and a *torch*, and the same name, slightly changed, is applied to the Hellenic moon-goddess. *Σελήνη* (Selene). Moreover, the name of the German moon-goddess is Frau Hölle, evidently identical with the English Helen (the German *ö* becoming e cf. Eng: Hell; Ger: Hölle). Helen then is evidently the moon—a conclusion which is strengthened by observing that she is called *Burd* Helen, for the word "Burd" is the same as our modern *bride*, most probably allied to the Greek *βρῦν* (bruein) to teem, and Irish *bru*,* and both Selene and Frau Hölle are goddesses who preside over child-birth (cf. *Lucina* from *Lux*).

Roland, also, is a name meaning bright or glorious, from the old High German *ruod* (fame), and as the brother of the moon probably is the sun.

As to the Elf-King, his name is clearly identical with the word *Alp*. The Anglo-Saxon word from which our elf is derived is "aelf," manifestly the same word as "alp," which is from the Latin *Alpes*, and should regularly be *alf*, as it is in Danish. Indeed, in modern German the same word "alp" means both a mountain, an alp, and an elf.

This settled to our satisfaction, we could then proceed in the good old way, thus: Our remote ancestors once lived in a country where there were mountain ranges on the east and west of them, so that the sun and moon seemed to rise from the mountains and to set in them, and, of course, when the moon was full and, therefore, most truly named Helen, the bright one, it would be rising just as the glorious sun (Roland) would be setting. Our ancestors, therefore, were used to say, "When Roland (the sun) goes into the alps his sister Helen (the moon) will rise out of them." In course of time this people wandered from their mountain home, and

*Skeets Etym. Dic. "Bride."

forgot the meaning of these names, but kept the saying, and then to explain it, invented a story about a maiden named Helen who was imprisoned in a mountain by a mountain-sprite until her brother Roland entered the mountain and freed her.

As to Merlin, he is easily shown to be a stellar potency; for, if Helen and Roland are the moon and sun, here is a good starting point for the theory that Merlin represents the stars. The name Merlin is a hawk name, and the hawk or eagle is among all nations a symbol of the gods of the sky (cf. Ra, Odin, Zeus, etc.); and in another myth we are told that Merlin was the son of one of the fallen angels, the companions of Lucifer, the morning star. Perhaps, also, Merlin may be connected with the "Accadian mul, a star."*

This method, however, is no longer in fashion (for there are fashions in folk-lore, as in everything else). So we shall now proceed to give Mr. Jacobs' theory, and then our own, and leave our readers to choose any of the three they may prefer, or to construct a fourth "fantastic structure of split hairs" of their own, which will doubtless be quite as stable as any of the others.

Mr. Jacobs' explanation of this and all similar English folk-tales is as follows: It seems pretty certain that northern Europe was once inhabited by a small, hairy, non-Aryan people, who lived in mounds or barrows. An illustration of one of these barrow dwellings, found at the Maes How, Orkney, is given by Mr. Jacobs, and it exactly corresponds with the Dark Tower. It is a small hill, pierced by a narrow tunnel which opens into a square central chamber, lighted from above. Moreover, it is generally agreed that the "terrace rings" which circled the Dark Tower, and which may still be seen on many hills in Britain, are the traces of this people's agricultural labors. Mr. Jacobs, therefore, holds that this and all similar folk-tales about elves, fairies, brownies, and other small spirits who inhabit hills or mountains, who carry off mortals, intermarry with them, assist them in household work and generally are capriciously helpful or harmful, as the mood seizes them, are traditions about the pranks played by this small non-Aryan race. And this position

*Andrew Lang in "Custom and Myth," p. 155; note, etc.

N. B.—Of course, as the late lamented Artemus Ward used to say, all "this is a goak," but this is the sort of explanation of ancient myths which is taught to children in handbooks of mythology, and we leave it to the intelligent reader if it is any more absurd than Mr. Müller's "Sun-frog."

is strengthened by the consideration (not mentioned by Mr. Jacobs) that as a rule a lower race who live with, or near, a higher one, are credited by such higher race with the possession of magical powers. Thus, in Louisiana today ignorant whites fear the power of the negro voodoo doctors, and sometimes seek their assistance, and in modern Sweden popular opinion holds the neighboring Lapps in high estimation as wizards of the best (or worst) kind. Besides, the word "elf," as we have shown above, *may* mean a mountain spirit, though we are glad to say that Mr. Jacobs has refused to follow Mr. Mac Ritchie, who sees the Finns in our fairies and the Picts in the Scottish pixies.

But, however plausible this theory may seem at first sight, we do not think it will stand a close investigation, and for this reason:

The people of northern Europe have no monopoly of tales of brownies and elves. In many quarters of the globe, far distant from northern Europe, and among many peoples, Aryan and non-Aryan, we find folk-tales about spirits, usually small and hairy, and almost always living in mountains or caves, who are capriciously helpful or harmful, intermarry with mortals, and, in short, behave in the same manner as our elves, brownies or fairies. The Berbers of North Africa, for instance, have many tales about certain "Djinns," who live in mountain caves or in wells among the hills, and who fulfill all the wishes of any one that sacrifices to them in their caves. One of these "Djinns" carried off a young girl of Bon Sanghoun; her brother went in search of her; she came out of a mountain (*elle sortit de la montagne*); greeted him and told him that she was married to a Djinn. He does not "rescue" her, however, because she is quite satisfied with the match. It also appears from the story that this Djinn was quite as wealthy as the Elf in "Childe Roland," a fact which may throw some light on the complacent manner with which the lady regarded her abduction.*

In another of these tales a fairy seeks aid of a Berber midwife just as in "The Fairy Ointment," in Mr. Jacobs' collection. Here we ask the reader to note particularly that in the Berber tale above cited, the fairy sends one of her sons

*No. 38 of M. René Basset's "Contes Populaires Berberès." Paris: 1887. Of course, the Berbers may have learned this and the next tale from some hapless Englishman who had fallen into the hands of the Barbary pirates; but M. Basset regards these tales of mountain sprites as the most purely Berber of all those in his collection. (Contes, etc., Preface, p. IV.)

in the form of a black cat for the mid-wife, and that in the English story the fairy's children are described as hairy, with claws and pointed ears. The reason of our insisting on this will appear hereafter.

Passing now from Africa to Asia, we find among the wild Beluchis of the Scinde a firm belief in the existence of certain mountain spirits, called "Gins. These Gins appear in the form of a dwarfish human being with large eyes, covered with long hair and apt to breathe with a heavy, snoring kind of noise. If once attached to a mortal, they will work long and faithfully for him, and sometimes show him the entrances to their caverns, which are full of gold and jewels growing on magic trees, but any mortal who enters these abodes is never allowed to depart*.

This is far enough from northern Europe, but the kingdom of the elf and brownie does not end here. Still farther east, among the mountainous provinces of China, dwell small, hairy spirits, about a foot in height, who live in the mountains, where they manufacture a special brand of chills and fevers for the benefit of those who offend them. Another Chinese spirit (or Shen), appears as a woman. Her tastes are chiefly agricultural, and she cares for the mulberry trees, if their owners put out food at night for her.† One Chinaman caught one of these fairies bathing in his well, a very inconsiderate proceeding, which, however, was heavily punished, as the "heathen Chinese" married her. She lived with him for nine years, and bore him two children; then she left him, and "glided upward into a cloud," a method of divorce which, for simplicity and brevity, is even superior to the Oklahoma variety.‡ So much for the elf and brownie in non-European countries. As for the European traditions about them, these will be found in Mr. Baring Gould's admirable essay on the "Mountains of Venus." §Here it will be sufficient to state that the brownie or elf is found throughout Europe from Scotland to Pomerania and Catalonia. Now, Mr. Jacobs' theory does very well as long as we confine ourselves to northern Europe, and are so good as not to look outside. But, if we, contumaciously insist on peeping into

*M. Frere's "Old Deccan Days." Introduction, pp. XIV. and XV. Mr. Frere thinks that the great eagle owls of the Scinde are responsible for a good many Gln apparitions. Of this, more hereafter.

†The Gruagach of the Scottish Highlands, a female Brownie (lit. a maid), Armstrong's Dic.

‡These Chinese tales are from N. B. Denny's "Folk Lore of China."

§"Curious Myths of the Middle Ages."

other lands, behold! We find Brownie, Elf and Co conducting their extensive intelligence offices, matrimonial bureaux and mining operations on exactly the same principles as in Europe.

Manifestly, then, it is not enough to tell us about small, hairy non-Aryans in northern Europe or to show us mound dwellings in England and the Orkney, but Mr. Jacobs must show the existence of these mound dwellers in Africa, India and China. This, we venture to say, will be hard to do, but, unless it is done, we must hold that at least three different and widely separated races have managed to invent brownie and elf tales without the assistance of Mr. Jacobs' hirsute cave men to stimulate their imaginations, and, if this is true, then it is more than probable that our English ancestors, who told fairy stories just like those of the Beluchis, Berbers, and Chinese, contrived, like them, to frame these tales without employing the mound dwellers as raw material. As to the correspondence between the description of the Dark Tower and the mound houses found in England or Scotland, this proves nothing. If our ancestors, when they came to England, had already a stock of tales about spirits who lived on hills, we may be sure that they would give these "airy nothings" a local habitation in the convenient mound dwellings which they found in their new home, just as when they needed "a name" for any of these fays, they unscrupulously robbed the gods of ancient Hellas and Rome to supply the demand.*

All this, however, is but destructive criticism, and as the present age seems always to require that any one who tries to upset a theory in any department of thought shall forthwith propound a new theory of his own (on a sort of conservation of folly principle we suppose), we shall make an attempt to explain the folk-tales of this class. This, we know, is a perilous experiment, but, whether our theory be right or wrong, it has at least the merit of applying equally to all peoples, whether European or not, Aryan or non-Aryan. Briefly, it is this: these tales of elves or brownies most probably were suggested to those who told them by the existence in their midst of certain small, hairy, alien races who lived in holes in the earth or in hollow trees or caves, and who were reputed to possess magical powers. Now what races correspond to this description and are found

*Chaucer, "The Marchaundes Tale," l. l. 9912-16.

all over the earth? Clearly, the big, fluffy owls, the hairy wolves, foxes and jackals, and other beasts of a like kind.

All nations in a low stage of development worship animal gods—e. g., the Moqui Indians of Arizona, worship the rattlesnake; the Bushmen of South Africa, a mantis insect; while the Arcadians revered a sacred bear, their ancestor; wolves and dogs, were sacred among the ancient Irish, etc. We shall see examples of owl-worship further on. This belief is as persistent as it is universal. Even among peoples who have attained to a comparatively pure faith, the belief in the magical powers of certain animals still exists, and it is needless to say that to the savage mind a magical animal and a divine animal are convertible terms. Now, these divine or magical animals intermarried with mortals, carried off mortal maidens, helped those whom they liked, and harmed those they disliked, and were propitiated by offerings of mortal food;* and, if it be thought that household work, such as the brownie does, is too undignified an employment for a god, it may be answered, first, that savage gods are not very dignified beings; second, that even

"Apollo left the golden Muse,
"And shepherded a mortal's sheep."

It is also certain that, as the worshippers of these beast gods advanced in civilization and refinement, the forms of their old gods became distasteful to them, and bit by bit, they changed the theriomorphic into anthropomorphic gods. We see the traces of this change in the beast-headed and human-bodied gods of Egypt, who were worshipped side by side with purely theriomorphic gods; in the Ram-Zeus, Horse-headed Demeter, and owl-eyed Pallas Athene of Hellas; and in the numerous animal avatars of the Hellenic gods (e. g., the swan, bull, etc., into which Zeus was said to have changed himself, but which were probably at first only so many different theriomorphic gods).

Now, when any people began to feel that their gods must be more than beasts, and to attribute a human shape to these gods, they also began to lose faith in the magical powers of animals as such (magic and divinity being, as we have said, convertible terms), and commenced to give to the animal heroes of their stories a human form, or to say that some

*McLennan's "Worship of Plants and Animals." *Fortnightly Review*: 1869 and 1870.

†E. G.—"The Beast Gods of Egypt and the animal avatars of Zeus."

god or wizard (again almost convertible terms) had taken the shape of this or that beast.

It seems to us, then, that these brownies or elves or Gins, who are small and hairy, with pointed ears and bright eyes, and who live in the ground or in hills and have owl-like voices, are just as much theriomorphic divinities on their way to becoming anthropomorphic, as the hawk-headed Ra, or the owl-eyed Athene.* We have already pointed out that the theriomorphic gods of primitive peoples act in much the same way as the elves or brownies of races in a more advanced stage of culture; and while in a story of this kind there is no space to do more than merely point out this fact, yet, in concluding, it may not be uninteresting to adduce a few examples of the stories about wonder working animals which are narrated by races who tell exactly the same kind of tales about elves or Gins or brownies.

In India, for instance, the Cobra has wonderful magical powers which it uses to help those who help it, to reward the virtuous and to punish the wicked.* Two great eagles carry off a little girl to their luxurious "nest" which has seven iron doors. A cat and a dog live in this nest and keep house for the eagles.† The owles foretell important events for the benefit of their human friends.‡ A certain Rajah, who is also a wizard, spends his entire life in the shape of a jackall; "even his own wife did not know that he was not a jackall."

There seems to be no especial reason for his continually impersonating this wretched beast, other than the amusement which he derives from his pranks. He lives in a cavern filled with precious stones, plays tricks on some of his human neighbors, and helps others.*

In Scotland the Water Kelpie (or Water Horse) carries off maidens, unless they are rescued by the kindly Water Bull. Both the Kelpie and the Water Bull appear like animals, one somewhat like a horse, the other like a bull, as these familiar beasts look in a nightmare. The Kelpie sometimes appears as a man (note how the legends flicker from beast to man and man to beast). The Water Bull seems never to take on human shape, but may always be recognized by his "pointed ears."

*"A Funny Story," in M. Frere's "Old Deccan Days."

†"Little Surya Bal," *Id.*

‡"Rama and Luxman," *Id.*

§"The Cauld Lad of Hilton." In Mr. Jacobs' "English Fairy Tales" he tells us how to sacrifice to the Brownie.

In China a white dog, a sort of canine Werther, falls in love with a celestial Charlotte, and by his magic arts transforms himself into a perfect "double" of her husband. This was not an unusual trick of the great gods of Hellas, but the Chinese story is much more moral than the Greek ones, as the wicked dog is eventually eaten by a discerning and epicurean tiger, who has a strong penchant for dog meat.*

Last, but not least, in Hans Anderson's immortal "Fairy Tales" there are three big-eyed dogs, who guard a subterranean treasure, and who follow and serve the lucky soldier who learns the charm that will subdue them.

It seems then, that there is nothing which the brownie, Gin or elf does that is not performed by some magic animal as well, and taking this fact together with the personal appearance of these spirits, it is evident that Mr. M. Frere is correct in the deepest and truest sense, when he says that the owl is responsible for the Gin. We, however, are inclined to make this statement more general, and to say that wonder-working animals of one kind or another are the prototypes of the elf, the brownie, the Gin, or Djinn, the Goblin and of all the host of the lesser spirits of the hills.

*The Jackal, the Barber and the Brahman.—Frere's "Old Deccan Days." We think it likely that this is one of those tales which were originally told of a beast *pur et simple*, and that the wizard was afterwards introduced to make them more probable. Why should a king like the hero of this tale spend his *entire* life as a beast, and he did not *always* have an amusing time, either.

†For minute description of a kelpie see "Randall Bannerman's Boyhood."—George McDonald. For kelpies and water bulls in general see J. F. Campbell's "Tales of the Highlands." Edinburg: 1860.

*N. B. Denny's "Folk Lore of China," p. 139.



THE POET OF MANHOOD.

By Edward A. Uffington Valentine.

1. *Leaves of Grass, Including Sands of Seventy, Good-bye My Fancy, Old Age Echoes, and A Backward Glance O'er Travel'd Roads.* By Walt Whitman. Small, Maynard & Co., Boston.
2. *Calumus: A Series of Letters written During the Years 1868-1880, by Walt Whitman to a Young Friend (Peter Doyle).* Edited by Richard Maurice Bucke, M. D. Small, Maynard & Co., Boston.
3. *The Wound Dresser: A Series of Letters Written from the Capital in Washington during the Civil War by Walt Whitman.* Edited by Richard Maurice Bucke, M. D. Small, Maynard & Co., Boston.

THE profoundest service that poems or any writings can do for their reader is not merely to satisfy the intellect, or supply something polished and interesting, nor even to depict great passions, or persons and events, but to fill him with vigorous manliness, religiousness, and give him *good heart* as a radical possession and habit."—Whitman.

It is a striking fact that Edgar Allen Poe and Walt Whitman, the two literary intelligences of our country having especial claim to be regarded as original forces, are the two that we have most delighted to dishonor. Only the more hidebound partisans of the latter poet and his philosophies will, however, fail to recognize occasion enough for the hostility which greeted "*Leaves of Grass*" on its appearance well nigh fifty years ago, and has continued with little abatement to the present time. To none ought Whitman's faults and flaws be more obvious than to those who love him. His rejection by the world in general is not to be construed necessarily as a sign manual of martyred genius. It was not the inspired side of Whitman that wrought his ruin as a universal propagandist. Indeed, to accept him without reservation, to refuse to see egregious absurdities of style and frequent incoherence of idea in his writings, to deny

that read in part, the poet may exert an influence contrary to the one he coveted, is to display a wilfulness or ill-balanced judgment only equaled by the Whitman's adversaries, who recognize none of the compensating virtues of his works. Walt Whitman's poetry is, in other words, an extraordinary literary landscape, which offers a scale of altitude ranging from sea level banalities to Alpine peaks of real greatness of prospect. Although the annunciator of a new heaven and earth, he was at times capable of uttering the veriest commonplaces of the uninspired. It is unfortunately the fantastic yeoman side of Whitman, which has struck the majority of readers and repelled them from the innumerable beauties of phrase and thought that lie hidden elsewhere in his pages. And frankly speaking, the bowlders in the path of ordinary appreciation are not easily surmounted: they represent perhaps the most flagrant departures literature has ever known. It is therefore thoroughly irrational of his followers to express surprise that proselytism is not more promptly accomplished.

To those who are tempted to study Walt Whitman, it is urgently recommended that they begin the task by reading a most proper introduction to his poetical work; that is to say, "A Backward Glance o'er Travel'd Roads," composed in his declining years—a noble piece of prose in the nature of an apology or exposition of his art and aims, first appearing in "November Boughs," and now incorporated in a handsome new edition of the poet's complete works, published by Small, Maynard & Company, of Boston. Here they will meet the man in the poet, the man possessing a nature calculated wholly to win the affection and impress the heart with its supreme sweetness and philosophic peace. The greatest poem Walt Whitman ever gave the public was the poem of his own personality. His was a manhood that had the epical accent. The rough-hewn largeness of his spiritual stature suggests the humanity of the Biblical past rather than that of to-day. Having so met the man, a favorable attitude toward his poetry would seem to follow—an attitude at least which will make the ready laughter of the mere art idolator over Whitman's literary errors well nigh an impossibility and modify a too harsh resentment of his candors and apparent carnality.

It is perhaps after all in these last respects more than because of his not infrequent turgidity and uncouthness that Walt Whitman antagonizes the general reader. Dissevered

from the rest of his poetry which affords a clue to its actual meaning, this apotheosis of the flesh, as mainly found in "Children of Adam," can hardly help but startle most persons—especially those to whom decency is, perhaps, too much a question of clothes. Without attempting here to pronounce on the reasonableness or unreasonableness of these passages in his works, it can be said that a patient reading of Whitman in his entirety will go far toward redeeming such rough tributes to the sacredness of maternity and love. Also let it be remembered that here the singer differs from many of his freely accepted poetical brethren not so much in matter as in manner. The manner of Walt Whitman leads easily to the consideration of one of the rudimentary questions of art, a question on which hinges his right to be called a poet. To those who have drawn from him some actual nutriment of soul the question is by no means so important a one. More vital than the proper classification of his genius is the fact that he is a teacher. In this capacity he stands forth a dynamic figure, a simplar for simple, great-hearted living, a man whose abundant charities and optimistic faith in the beneficence of the universal plan infuse courage and make the primordial joys and wisdom of existence. What in truth is a grammatical lapse, an uncouthness of phrase, a candor of speech regarding what are facts and feelings intrinsic to human nature, whether or not custom permits their utterance, weighed against a philosophy that puts to shame the pettiness of our sympathies, our carping discontents toward life, our pale aestheticisms, and on the other hand inspires buoyancy of soul and of corporal self, together with a sense of close personal adjustment to the general scheme of things? This stimulus is one of the good gifts of "Leaves of Grass" to some readers; and for such the persistent outcry against Whitman's lack of academical niceties, his unwillingness to add his quota to the golden chalice of conventional verse, already overflowing with superabundance, seems preposterous in its prejudiced ignoring of that which represents the poet's great claim on the attention.

It is, however, an injustice to Walt Whitman's added merits as a poet in the accepted sense not to mention some of the many instances where his voice strikes a note worthy the best tradition-governed singers of his generation. Take, for instance, "When Lilacs Last in the Dooryard Bloomed." Here in spirit and width of vision, in dignity of language and pathos of grief, we have an elegy on the death of Lin-

coin that has much of Miltonic largeness about it; a poem indeed only to be outmatched for its peculiar virtues by a few immortal threnodies. Surely,

"O, powerful western fallen star!
O, shades of night! O, moody, tearful night!
O, great star disappeared! O, the black mark that hides the star!
O, cruel hands that hold me powerless! O, helpless soul of me!
O, harsh surrounding cloud that will not free my soul!"

has the "droppings of warm tears" of Euripides, the note of genuine passion and inspired sorrow. The whole moves with the stateliness of a great funeral train. Death is thus beautifully apostrophized:

"Come, lovely and soothing death,
Undulate round the world, serenely arriving, arriving,
In the day, in the night, to all, to each,
Sooner or later, delicate Death.

"Prais'd be the fathomless universe,
For life and joy, and for objects and knowledge curious,
And for love, sweet love—but praise! O, praise and praise,
For the sure-enwinding arms of cool-enfolding Death!

"Dark Mother, always gliding near, with soft feet,
Have none chanted for thee a chant of fullest welcome?
Then I chant it for thee—I glorify thee above all;
I bring thee a song that when thou must indeed come, come unfalteringly.

"Approach, encompassing Death—strong Deliveress!
When it is so—when thou hast taken them, I joyously sing the dead,
Lost in the loving, floating ocean of thee,
Laved in the flood of thy bliss, O, Death!

"From me to thee glad serenades,
Dances for thee I propose, saluting thee—adornments and feastings
for thee;
And the sights of the open landscapes, and the high-spread sky are
fitting,
And life and the fields, and the huge and thoughtful night.
The night, in silence, under many a star;
The ocean shore, and the husky whispering wave, whose voice I
know:
And the soul turning to thee, O, vast and well-velled Death,
And the body gratefully nestling close to thee."

One of Whitman's capacities is to fill huge canvases, to open out comic prospects. This, it should be admitted, he fails frequently to do, giving instead of world-wide presentments mere enumerations as dreary and unforceful reading as Homer's "Catalogue of Ships;" but on the other hand, he

has succeeded at times as few other poets have done. In lines of idyllic description he is able also at his best to challenge high comparisons. For example, in his poem "Out of the Cradle Endlessly Rocking," which translates the love-notes and intense longing of the mocking bird for her belated mate. It is full of a free, exquisite lyrical feeling, as

"Soothe! soothe! soothe!
Close on its wave soothes the wave behind,
And again another behind embracing and lapping, every one close,
But my love soothes not me, not me.

"Low hangs the moon, it rose late,
It is lagging—O, I think it is heavy with love, with love.

"O, madly the sea pushes upon the land,
With love, with love.

"O, night! do I not see my love fluttering out among the breakers?
What is that little black thing I see in the white?

"Loud! loud! loud!
Loud I call to you, my love!

* * * * *

"Low-hanging moon!
What is that dusky spot in your brown yellow?
O, it is the shape, the shape of my mate!
O, moon do not keep her from any longer."

"Land! land! O land!
Whichever way I turn, I think you could give me my mate back
again if you only would,
For I am almost sure I see her dimly whichever way I look.

"O rising stars!
Perhaps the one I want so much will rise, will rise with some of you.

"O throat! O trembling throat!
Sound clearer through the atmosphere!
Pierce the woods, the earth,
Somewhere listening to catch you must be the one I want."

Eager hope turns to despair with the tarrying—

"O, past! O, happy life! O, songs of joy!
In the air, in the woods, over fields,
Loved! loved! loved! loved! loved!
But my mate no more, no more with me!
We two together no more!"

"Prayer of Columbus" and "The Mystic Trumpeter" are great poems. Here likewise rises Whitman's voice less as

teacher than as artist, and either is for breadth of mentality and fervor of soul, worthy to be classed with the choicer products of song. The first suggests Tennyson's noble masterpiece of "Ulysses," in its dignified opening—

"A batter'd, wrecked old man,
Thrown on this savage shore, far, far from home,
Pent by the sea and dark rebellious brows, twelve weary months,
Sore, stiff with many toils, sickened and nigh to death,
I take my way along the island's edge."

And if not the equal of that poem in consummate phraseology, it exceeds it in strong spiritual emotion:

"My hands, my limbs grow nerveless,
My brain feels rack'd, bewildered.
Let the old timbers part, I will not part,
I will cling fast to Thee, O, God, though the waves buffet me,
Thee, Thee, at least I know."

"The Mystic Trumpeter" is unquotable in part, since the development of the theme, the gradual enlargement of the voice to a tremendous finale of jubilation represents its most definite beauty. None of these examples, or all of them taken as a composite test, do, however, more than a modicum of justice to that partial Whitman—the more conventionally poetical Whitman—the existence of whom has been strenuously denied by some critics. After all, the recognition of the singer's work as great poetry is, as in the case of all poetry, a question in large measure of temperament and taste. Whitman himself was singularly free from any ambition to convince the cultivated critic of his artistic worth. It was not to them—the learned—that he sang with the hope of pleasing, but to the common masses of mankind. "The poet of the plain people," he best loved to be called. To them were dedicated his dreams of a new birth of things, the advent of miracles and milleniums that would raise the toiler of the field to his rightful sphere of dignity. Like a soothsayer of old, before his eyes burned apocalyptic flames, which were to consume all the hideous phases of modernity. The world was to return to first principles and men to elemental impulse, to the possession of true liberty and joy. To Whitman the workman was the glorified pillar of God, in whom was assured the triumphant ideal of commonwealth. The worship of sturdy manhood was the keynote of many of his songs. And if he failed to arouse in his humble auditors a response to his rhapsodical strains and prophecies, he at

least succeeded in leaving upon their heart the imprint and persuasion of a grand and loving personality. They realized the rugged poem of his manliness, the epic of his picturesque and verile physique, though they heeded not his work. Nor did Whitman content himself with a mere inner attitude of respect for toil and hardihood. He mixed freely with the class for whom he coveted such glorious destiny. His life was a continuous lesson of sincere self-sacrificing brotherhood with the world. Whitman has founded no school; he is and doubtless ever will be unique in the world of letters. Although criticism may doubt and dispose of his poetical entity, the monument of his humaneness remains, a type of supreme masculinity, its faith, its courage and its joys. As Emerson said of him after reading "Leaves of Grass:" "To us in America a man is born."



THE TREATY WITH SPAIN IN ITS RELATION TO TERRITORIAL ACQUISITION.

By Hon. A. Leo Knott.

THE constitutional right of the United States to acquire territory outside of the limits of the original thirteen States and the adjacent and contiguous territory, as fixed by the definitive treaty of peace with Great Britain in 1783, which terminated the war and established our independence, has long since ceased to be an open question. It has been settled by the reiterated practice of the Government, beginning with the acquisition of the territory of Louisiana by Mr. Jefferson in 1803, and ending with the comparatively recent purchase of Alaska in 1867.

In the interval between these acquisitions we obtained Florida in 1819 by a treaty with Spain; Texas in 1846 by the annexation of an independent and sovereign power; the region now comprising the States of California, Nevada and Utah, and part of Colorado, and the Territories of Arizona and New Mexico, by conquest from Mexico. Having thus, within less than a century, much more than doubled our territorial empire, having swallowed half a continent, it would be the purest affectation to pretend that the Constitution interposes any barrier to further and future acquisitions, with but one proviso, however, that such further and future acquisitions should be confined to contiguous, or at least to neighboring territory; such territory as could, following the precedents set by these previous acquisitions, be easily incorporated with our existing territory, so as to become in time, in the language of the resolution offered by Maryland on the 15th of October, 1777, in the Continental Congress, with reference to the territory west of the Alleghanies, "*Separate, convenient and independent States,*" or, in the more explicit language of the instructions adopted by the Legislature of that State on the 21st day of May, 1779, and sent to her delegates in that body, "*So as to be parcelled out by Congress into free, convenient and independent governments in such manner and at such times as the wisdom of that Assembly should hereafter direct.*"

The root-idea of these resolutions of the Legislature of Maryland, of these instructions to her delegates in the Congress, and of the course of conduct steadily pursued by those delegates in that body until that idea prevailed in ultimately forcing the States of Virginia, New York, Massachusetts, Connecticut, the Carolinas and Georgia to surrender to the United States their claims to this region, "to which," in the judgment of Maryland, as expressed in these instructions, "*they have not the least shadow of exclusive right,*" was that this territory, won or to be won, from Great Britain by the expenditure of the common blood and treasure of the confederated States, was, and ought to be, the common property of these States, a great common folkland, as Mr. John Fiske puts it in his valuable and interesting work, "*The Critical Period of American History,*" to be held by Congress as the common agent of all the States for their equal benefit, so long as it remained a territory, but ultimately to be parcelled out and to become free, convenient and independent States and co-equal members of the Union. It was the expansion of a system or union of co-equal independent States which was the ulterior object, and not a colonial empire.*

As this acquisition of the western lands, familiarly termed in that day "the back lands" by the people of the United States, was the first and original acquisition of territory by the United States, a brief history of that acquisition, how it was brought about, and what it consisted of, may not be inappropriate to the present occasion. Indeed, rather it may shed some light on that discussion, especially on one branch of it, the question for what purpose, and for what purpose only, can the United States constitutionally acquire territory?

By the fall of Quebec, and the consequent treaty of Versailles of 1763, France ceded to Great Britain not only Canada, but all that vast region lying between the Great Lakes and the thirty-first parallel of latitude, on the north and south, and the Alleghanies and the Mississippi River, on the east and west, and known as New France. France founded her title to this region on discovery, exploration and occupancy. She had established a chain of forts and settlements from Quebec to New Orleans. Her authority was recognized by the greater number of Indian tribes occupying it, as the

*The Genesis and Development of the Law of Territorial Acquisition.

French colonists and traders were, in the main, more just and humane in their treatment of the aborigines and less disposed to encroach upon their lands and hunting grounds by permanent occupation and settlements, than were the inhabitants of the British colonies. But the treaty of 1763 put an end to this authority and extinguished this title, and the name of New France was blotted out forever from the map of the North American continent.

By the same treaty of 1763, France ceded all her territory west of the Mississippi to Spain; while Spain ceded east and west Florida to Great Britain. There was a change all round by the European powers in their American possessions, except that France lost all of that vast region she once called her own, embracing nearly one-half of the North American continent. Louis XV was too much occupied with his mistresses, with the petty intrigues of his licentious court and the small politics of the little German principalities on the other side of the Rhine to give any attention to the affairs of a continent, to the efforts and struggles of the heroic soldiers and missionaries, who had planted the cross and the lilies of France in the western world, had watered them with their blood through nearly two centuries of conflict, and had carried them from the banks of the St. Lawrence to the mouths of the Mississippi River.

The Duke of Choiseul endeavored to console his royal master for this loss of a prospective empire by the assurance of his belief that the gift he had made to Great Britain would prove a Pandora's box to that power, and that it would precipitate a conflict and a separation between her and her colonies. Whether this prediction was a piece of veritable political foresight or a chance shot, it proved true.

England herself seemed to entertain some such apprehensions in regard to this extension of her domain, and she resolved to provide against such contingency by closing that domain to her colonists on the Atlantic seaboard. By a proclamation issued in 1774 the King in Council prohibited the colonial authorities making any grants of lands beyond the headwaters of the streams flowing into the Atlantic. The Alleghanies were to be the dividing line between her English speaking colonies and the new province of Quebec.

To the inhabitants of this province the treaty of 1763 had secured the full enjoyment of their rights of property, their laws, their customs and the free exercise of their religion. This province was at that time the sole spot throughout the whole British dominions where the profes-

sors of the Roman Catholic faith, to which the inhabitants of the province belonged, were permitted that privilege.

Contemporaneously with this proclamation an act was passed by the English Parliament, extending the dominion and jurisdiction of the new Quebec province to the Ohio and the Mississippi.

It was avowed that it was the policy of the English Government to keep this region as a home and a hunting ground for the Indian tribes, whom England was desirous to conciliate and pacify. The real object was to prevent the growth and expansion westward of colonies which had been settled originally by the victims of her oppression, and which were already beginning to chafe under restrictions placed upon their trade by the British Navigation Acts, and were evincing a spirit of independence that boded ill for the continuance of her rule. But these attempts at suppression, as they always do with people born to an inheritance of freedom, only precipitated the explosion. Even before the French war, hunters and trappers had penetrated and explored this magnificent region, and brought back to the eastern settlements glowing accounts of its richness and fertility, of its wide spreading prairies, its noble rivers, its extensive forests of every species of wood and abounding in every kind of game.

Companies were formed, even at that early day, for taking up lands and making settlements on the Ohio River. But Frenchmen and Indians had arrested any large or general movement of hunters or settlers westward.

The treaty of 1763 extinguished all authority of the former; and as for the rights of the latter, they had none which a white man was bound to respect. So immediately after that treaty an extensive immigration began to pour over the mountains into the rich valleys of the Ohio, the Cumberland and the Tennessee, especially from Pennsylvania, Maryland, Virginia and the Carolinas. This stream of immigration was suddenly checked by these orders in Council and the Quebec Act, which were intended to establish a zone of barbarism on the western confines of the colonies, and thus "crib, cabin and confine" them within a narrow belt of territory between the ocean and the Alleghanies. This was a paramount policy with the English Government then, and for many years afterward. She never wholly abandoned the hope of carrying it out until after the War of 1812.

These acts produced profound discontent in the colonies.

During the long struggle between France and England for supremacy in the Western world, and which had just closed so triumphantly for the latter on the Heights of Abraham, the colonies had borne their full share of danger and privation; had contributed their proportion in men and money; had taken part in every exploit. Indeed, the whole brunt of the conflict had fallen on them. They bore it ill, now that the conflict was closed, that they were debarred the only reward they looked for—entrance into these western lands.

This discontent found expression, first, in private representations and remonstrances to the Board of Trade for the Plantations, and, secondly, in a more solemn and authentic form in a recital and resolve in the celebrated Declaration of Rights, adopted by a congress of all the colonies held in Philadelphia, September 5th, 1774.

Among the British statutes in that instrument, "which," as John Adams said, "first expressed the will of a free people," denounced as invasions of the rights of the colonies, as impolitic, unjust and cruel, as well as unconstitutional and dangerous and destructive of American rights," was this Quebec Act, and the Congress entered into an agreement not to import any goods, wares or merchandise from Great Britain or Ireland or any of the dependencies of that kingdom until that Act, with the other obnoxious statutes arraigned, should be repealed.

In the Declaration of Independence, among the high crimes and misdemeanors charged against George III is this one: "For abolishing the free system of English laws in a neighboring province, establishing there an arbitrary government, and enlarging its boundaries so as to render it at once an example and a fit instrument for introducing the same absolute rule into these colonies."

"*The neighboring province*" herein mentioned was Quebec; "*establishing an arbitrary government*" was the guarantee given in the treaty of 1763, and repeated in the Quebec Act, to the inhabitants of Canada, that they should retain their laws and customs; their system of jurisprudence—the civil law—hateful to Englishmen of that day, because it favored, or was believed to favor, arbitrary power, and "*enlarging its boundaries*" was the extension of the jurisdiction and dominion of the Province of Quebec over the whole region west of the Alleghanias.

In the XIV Article of the Virginia Bill of Rights, adopted at Williamsburg, June 12, 1776, this Quebec Act is

referred to in the declaration, "*That the people have a right to uniform government, and, therefore, that no government separate from or independent of the government of Virginia ought to be created or established within the limits thereof.*" For this Quebec Act not only, as Virginia claimed, usurped jurisdiction and control over the region north of the Ohio, which she still set up pretensions to, under the Charter of the London Company of 1609, notwithstanding its subsequent annulment in 1624 by the judgment of the King's Bench in a *quo warranto* proceeding instituted for that purpose, but over that portion of her territory lying between the mountains and the Ohio River, to which she had an undoubted and incontestable title.

Three other colonies claimed title to portions of this region of Massachusetts, under her charter of 1629, renewed in 1691, to the strip of territory now comprising the southern halves of Michigan and Wisconsin; Connecticut, under her charter of 1662, to a northern strip of the present States of Ohio and Indiana, a portion of which is still known as the Western Reserve; North Carolina to a territory now the State of Tennessee, and Georgia to the region west of her to the Mississippi River; New York, under a treaty with the Six Nations at Fort Stanwix in 1764, and under a sort of protectorate she had exercised for many years over that Indian Confederacy, made a broad claim over that portion of the same region lying between the Alleghanies and the Miami and the Lakes and the Ohio River. Indeed, under this treaty she might claim to the Cumberland. This was an era of vast and vague claims and indefinite and unknown boundaries. In several of these early charters the western boundary of the grants was the South Sea, as the Pacific Ocean was then called. The width of the North American continent was then unknown, but it was generally believed to be narrow. Expeditions up our rivers and bays were often undertaken to find a northwest passage to the South Sea—that siren of the ocean that for three centuries exercised so great a charm over the minds of navigators, and lured so many to destruction. This was the condition of these lands at the outbreak of the Revolution, to which this action of the British Government so much contributed, and the status of the colonies toward them. To complicate matters still further, Virginia, in 1777, during the Revolution, had sent out a small force of Kentucky backwoodsmen under Capt. George Rogers Clark to capture the forts and settlements of Kaskasia, Cahokia and Vincennes in the Illinois country. These

were French settlements at which the British military authorities had erected forts and garrisoned them with English troops. The forts surrendered without a blow, and the French settlers gladly acknowledged themselves citizens of Virginia, and Illinois was organized as a county of Virginia. Kentucky had just previously been organized as a county, and the Virginia Land Office at Staunton began issuing patents for land in both these "counties." It was plain that in such a conflict of claims, in such overlappings of boundary lines, there was ample room for the most disturbing controversies and a source of the gravest dangers in the future, and that in such a state of things a perpetual and peaceful union of the colonies would be impossible. The States having these claims were called "landed States" in the vocabulary of that day and stood together. Maryland at first was sustained by Delaware, New Jersey and Rhode Island in the position she took on this question, as expressed in the above resolution and instruction; States which, like her, owned none of "these back lands." But they ultimately deserted her, and Maryland was left for a while solitary and alone to fight this battle; in the success were involved, unconsciously to some of the parties to the struggle, the destinies of our country. Upon the news of this action of Virginia reaching Congress, the delegates in Congress from Maryland, Daniel Carroll, William Paca and George Plater, on behalf of that State, on the 30th day of October, 1779, offered the following preamble and resolution:

"Whereas, the appropriations of vacant lands by the several States during the continuance of the war will, in the opinion of Congress, be attended with great mischiefs; therefore, be it

"Resolved, That it be earnestly recommended to the State of Virginia to reconsider their late act of Assembly for opening their land office, and that it be recommended to said State, and all other States similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war."

This was adopted by a majority of the States, Virginia and North Carolina alone voting in the negative. In the meantime, Maryland remained out of the Confederation. Under instructions from her Legislature, her delegates in Congress refused to sign the Articles of Confederation, though these delegates sat in the Congress, participated in its actions and deliberations, and she herself answered every requisition of

the Congress for money and troops, sending twenty thousand of her best sons into the Revolutionary army, in which they distinguished themselves by their valor and good conduct. By the express resolutions of her Legislature she declared she would stand by every engagement Congress should enter into for the common benefit, but that she would not subscribe the Articles of Confederation until all the States claiming, or asserting any claim to exclusive property in these western lands—the validity of which claims she would not recognize—should surrender such lands by actual cessions to the Congress of the States for the benefit of the people of all the States, whose blood and money were being poured for their acquisition and security, to be held by Congress, as she uniformly declared, for their common benefit, and to be in time “parcelled out by Congress into free, convenient and independent States and governments.” The controversy around this question of surrendering the public lands became warm and bitter. Maryland was threatened for her contumacy in not signing the Articles with effacement as a State and a division of her territory among the neighboring States. She had already as a province suffered mutilations of her territory; and she was not dismayed by these threats. She remained firm and immovable. Her constancy and the far-sighted statesmanship and courage of her delegates in the Congress, Daniel Carroll, William Paca and George Plater, were at last rewarded.

New York was the first to yield her claims. The Legislature of that State, on the 19th of February, 1780, instructed her delegates in Congress to make a surrender of all her claim to lands on the Ohio and the Lakes. The Continental Congress at length resolutely took the matter in hand.

Taking up the consideration of the Maryland resolutions, the instructions communicated to Congress, the Virginia Remonstrance to the effect “that no State should be deprived of territory for the benefit of the United States,” and the New York act of cession together, and after reciting, “*how indispensably necessary it was to establish the Federal Union on a fixed and permanent basis, and on the principles acceptable to all its respective members,*” Congress, on the 6th day of September, 1780, by resolution, “recommended those States who have claims to the western country to pass such laws and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the Articles of Confederation,” and “*that the Legislature of Maryland be earnestly requested to authorize their delegates to*

subscribe to said Articles. The two things were coupled together—the surrender of the western lands to the United States, and the subscription of Maryland to the Articles of Confederation. To this recommendation, which came with such high authority and was put on such grounds as could not fail to appeal to her sense of patriotism, Virginia, urged also thereto by two of her distinguished sons, Jefferson and Madison, and it is believed by Washington also—though as Commander-in-Chief of the Continental Army he had a natural delicacy in interfering in matters not pertaining to the army—on the 2nd day of January, 1781, responded by an offer to cede to Congress the western lands she claimed. But she accompanied the offer with these two impossible conditions:

First—"That the territory south of the Ohio River (that is, Kentucky) should be guaranteed to her forever."

Second—"That grants of land, heretofore made in the territory north and northwest of that river by other than her authority, should be annulled as infractions of her chartered rights."

Virginia still claimed "her chartered rights," though the charter which conferred those rights had been vacated and annulled by the judgment of the King's Bench in 1624, which converted her into a royal government, and she herself had acquiesced in that judgment for a century and a half; the States of Maryland, Pennsylvania and North Carolina had been carved out of the territory embraced in that charter, as well as the princely estate of the northern neck of Virginia, granted to Lord Culpeper in 1680; and all those charters and grants were null and void, if that charter of 1609 to which Virginia clung with such tenacity had any existence in law. This offer was declined by Congress on the ground, as expressed by that body, "That these conditions were incompatible with the honor, interests and peace of the United States." Subsequently, in September, 1783, Congress agreed to accept this offer if Virginia would waive or withdraw these conditions. This she finally agreed to do, and on the 1st of March, 1784, she made, through her delegates in Congress, Thomas Jefferson being one of them, a surrender of all her claims of soil and jurisdiction over the great Northwest without reservation or condition.

In the meantime Maryland had, on the 1st day of March, 1781, subscribed to the Articles of Confederation in deference to the resolution of Congress, the day on which New

York had made a surrender to Congress of her claims, and the first constitutional union of these States was formed, and a great domain at the same time created, to be governed by Congress for the common benefit of all the States, and out of which "new and convenient States" were to be erected. Maryland felt that now that New York had led the way and Virginia had shown a disposition to comply with the request of Congress, the other landed States, some of which had, by their votes in Congress, already expressed their willingness, would follow. In this expectation she was justified by the event. Public sentiment once enlightened to an intelligent understanding of this important question had become aroused. Massachusetts ceded her lands on the 10th of April, 1785, ten years to a day from the spilling of the first blood of the Revolution; Connecticut in 1786; South Carolina in 1787, North Carolina in 1790, and Georgia in 1802. Maryland, however, in subscribing to the Articles of Confederation, took care to express her dissatisfaction with any conditional cession, and with the delays of the landed States in actually making their cessions of these territories to the Congress. In the act she passed, authorizing her delegates to sign the Articles of Confederation and Perpetual Union, she declared that "by acceding to the confederation, *this State does not relinquish, or intend to relinquish, any right or interest she hath with the other United and Confederated States to the back country*, but claims the same as fully as set out in her declaration and instructions which stand entered on the journals of Congress," and protesting "*that no Article of the Confederation ought or should bind her or any other State to guarantee jurisdiction over the back lands to any individual member of the Confederation*," thus safeguarding her subscription to the Articles against any misconstruction, and against the contingency of any of the landed States ultimately refusing to make a complete and an unconditional surrender to the United States of the territories they claimed.

The treaty of peace of 1783 with Great Britain ceded all this vast territory to the United States. By the action of Maryland in bringing about the surrender of all these conflicting claims upon it of the landed States, the United States received this magnificent domain with every reason to be assured that it would not prove to them, as it had to Great Britain, a Pandora's box of mischiefs. In the negotiations attending this treaty in Paris both the French and Spanish plenipotentiaries, who, as representing parties to

the war about to be concluded, took part in them, acted with some duplicity, not to use a harsher term. They both desired that Great Britain should retain this territory; the Frenchman in the hope, perhaps, that his country might obtain a retrocession of it from Great Britain, and thus once more gain a foothold on the American continent; the Spaniard that there would there be thus interposed another power as a barrier between the young and vigorous nation just come into existence and the Spanish possessions lying south and west of it—for the Floridas were by the same treaty of 1783 restored to Spain. But John Jay, one of the American plenipotentiaries, outwitted them both. He opened direct negotiations with the British Ministry in London through its agent in Paris. France and Spain had come to his terms. And, as at the treaty of 1763 it was the French minister that went off into Delphic utterances, this time it was the Spanish minister, but in a different vein and direction. It was against his own country and the European powers he indulged the spirit of prophecy which came over him. The Count Aranda, on the failure of his intrigue, wrote to his loyal master, Charles III: "This Federal Republic is born a pigmy. A day will come when it will be a giant, even a colossus, formidable in these countries. Liberty of conscience, the facility for establishing a new population in immense lands, as well as the advantages of the new government, will draw thither farmers and artisans from all nations. In a few years we shall watch with grief the tyrannical existence of this same colossus." After acquiring Florida, we would, he declared, attack Mexico. It was a remarkable forecast remarkably realized. Could Aranda have extended his prophetic vision to the close of this century and have seen the things that we see and are now dealing with, he would have been shocked beyond even prophetic utterance, perhaps, at the revelation.

This was the first acquisition of territory by the United States; and it set the precedent and fixed the purpose of all future acquisitions, and for which purpose only such acquisitions can constitutionally be made. That purpose was, in the language of the Maryland resolutions and instructions of 1779 and 1780, "*That such territories should be held by the United States for the common benefit of all the States, and ultimately, from time to time, be laid off and erected into free, convenient and independent States and governments,*" and for no other intent or purpose whatever. And this root-idea, this rule and this purpose, has since been uniformly and stead-

ily carried out and adhered to by the United States, under the Constitution, in all the acquisitions she has since made.*

The treaty of 1763 secured Spain a territory embracing both banks of the Mississippi from its mouth to the thirty-first parallel, and all that vast region lying west of the Mississippi to Lake of the Woods. The West was rapidly filling up with hardy and enterprising settlers, and the only outlet to the marts of the world for their agricultural products, their corn, tobacco and provisions, was that river and its great tributaries, the Ohio, the Cumberland and Tennessee. These, with the innumerable streams which flowed into them, penetrated the country for hundreds of miles in every direction, and furnished them with easy, cheap and expeditious transportation.

The United States, by the treaty with Spain in 1795, had secured entrepôts, or places of deposit, for the goods and merchandise of these settlers and traders. But, according to commercial notions of that day, unfortunately of this day also, custom-houses and entrepôts are established not for the purpose of promoting trade, but of obstructing it. Certain restrictions were imposed, and the places of deposit were changed by the Spanish authorities. This produced profound and general discontent throughout the western country. These settlers were not of a class and disposition to bear with patience any interference with what they regarded a natural and inalienable right to trade with whomsoever and wheresoever they pleased. Of all European peoples the Spaniards, with their haughty and supercilious manners and their exalted notions of governmental authority and paternal administration, were the last and

*All students of our history were aware of the fact that Maryland, while she participated in all the deliberations of the Continental Congress, nevertheless refused to subscribe the Articles of Confederation until the States, who owned or claimed to own the western lands, surrendered them to the United States. But it was reserved to two accomplished scholars of our own time, Prof. Herbert B. Adams, of Johns Hopkins University, in his learned and brilliant monograph on Maryland's Influence Upon Land Cessions to the United States, and Prof. John Fiske, of Harvard University, in his able and valuable work, entitled "The Critical Period of American History, 1783-1789," to bring forward many new facts hitherto unknown to most historians, and to develop and elucidate the full import and significance of Maryland's attitude on the subject of the western lands in the Continental Congress in that critical and early formative period of the United States. To their investigations all students of our history are indebted, and Maryland owes them a peculiar debt of gratitude.

the least sympathetic for these backwoodsmen to come in contact with. From the Spanish minister in Washington promises to change the condition of things at Natchez and New Orleans were obtained by the Adams administration. But there were so many different and such conflicting authorities in the province, and the Spanish viceroy residing in the City of Mexico was so difficult to reach, that these promises amounted to nothing. The discontent became so great and widespread that some leading men in the States of Tennessee and Kentucky in 1798 endeavored to take advantage of it to promote a scheme for separating these States and Territories from the Union. For his complicity in this conspiracy, Blount, a former Governor of Tennessee, was expelled from the United States Senate.

The country seemed gradually drifting into hostilities with Spain through the combined Spanish provocations and the loud, vehement and sometimes unreasonable demands and complaints of the western pioneers and settlers. From this fatality it was saved by a singular concatenation of events; so singular, indeed, that one can hardly fail to recognize in them the manifestation of that Power which holds in His hands the destinies of nations and men alike.

Carlos IV was then King of Spain, and Emanuel Godoy, the celebrated Prince of Peace, was the favorite of the Queen and Minister of State. Over both King and favorite Napoleon, then First Consul, had established an extraordinary and complete ascendancy.*

Talleyrand, Secretary of State, who, under all his Protean transformations and disguises, Terrorist, Bonapartist, Legitimist, was an aristocrat to the nail, and both feared and hated the American Republic, had, in order to divert the restless energy and ambition of Napoleon from schemes and enterprises of European aggrandizement, inspired his mind with the idea of colonial empire.

On the 1st of October, 1800, by the secret treaty of St. Ildefonso, Carlos IV had retroceded to France the province of Louisiana, in consideration of the First Consul's undertaking to place his son-in-law, the Duke of Parma, on an Italian throne.

It would have greatly astonished both these high contracting parties to this secret and unprincipled engagement, the arch plotter and his royal victim, had they then and

*The Treaty with France for the Purchase of the Louisiana Territory.

there been told that neither of them would secure what they were contracting for; but that the American people, against whom they were intriguing, would gather the whole benefit of the bargain. It was stipulated in this treaty that France should never alienate this territory to any other power. Although strongly urged by Napoleon, Carlos would not agree to part with the Floridas.

Mr. Jefferson became President in 1801, and great expectations were indulged in by the people of the West that some decisive action would be taken by his administration for their protection from Spanish interference with their trade. To them he was not only the President bound by his office to defend and protect the national honor and interests, but he was the leader of the great party to which they were proud to belong; for the West was Republican to the backbone. But Mr. Jefferson, "whose passion," as he avowed, "was peace," had no intention of going to war or even of making extreme demands so long as procrastination and diplomacy could avoid a resort to arms. In July, 1801, he wrote to Clariborne, afterward Governor of the Territory, that, "With respect to Spain, our disposition is sincerely amicable and even affectionate. We consider her possession of the adjacent country as most favorable to our interests, and should see with extreme pain any other nation substituted for them." It would have given Mr. Jefferson a very sharp shock had he been informed, while penning these words, of what had taken place eight months before in Madrid. And Mr. Jefferson was right in his judgment. Spain, with her inherent weakness, sick in head and heart, already showing manifest signs of that disintegration and decadence which within half a century were to strip her of nearly all her colonial possessions, was a far preferable neighbor to either France, just then entering on her career of European conquest, with Napoleon at the head of her invincible legions, or Great Britain, with her already world-wide empire and her renowned naval armaments. Mr. Jefferson's calm temper, sound judgment and pacific disposition, never stood him in better stead, or was of more incalculable advantage to his country, than when they led him to this sober resolution. For, if responding to a popular demand in the West he had provoked hostilities with Spain, he would have stirred up a hornets nest. Napoleon, fresh from his disastrous campaign in Egypt, anxious to retrieve his reputation for invincibility, at peace with England, which was anxious to keep peace with him, and which had no love

for us, would, with the combined fleets and armies of France and Spain, have precipitated himself on our western and southern frontiers, and Europe, as was Talleyrand's idea and purpose, might have been spared the tremendous conflict, the havoc and awful agony she had so soon to undergo. The news of the treaty, however, reached Jefferson; but he did not lose his head, as some New England Federalist full of affected horror at the French Revolution, of hatred of French Jacobinism would have in his place been likely to have done, some Griswold, Pickering or Quincy. He felt anxiety, no doubt, but he kept it secret. He made no protest, and went about at once in his usual calm, judicial way to make the best of the new situation. Jefferson entertained a singular and sincere affection for the French nation, admired its late departure from the ways of the old regime, sympathized with its hopes, with its awkward attempts at Democratic Government. He, too, was admired and respected by them. This mutual affection had cost him dearly in his own country. For this the Federalists had poured out on him obloquy and reproach. These mutually kind relations he now turned to good account for himself and his country. He sent, as Minister to France, Livingston, one of his ablest and trustiest friends, who also shared his political views and his affection for the French people. He was instructed to secure some guarantee for the freedom of the trade of the West down the Mississippi, and some outlet for the Southern States on the Gulf of Mexico, and, if possible, to secure by purchase east Louisiana and west Florida. It was soon apparent to Livingston that the First Consul was aiming at nothing less than the occupation of Louisiana with a very considerable army. But before attempting this enterprise Napoleon deemed it necessary to reconquer St. Domingo as a basis of operations for his projected Louisiana campaign. He dispatched thither an army of 17,000 men under his brother-in-law, Gen. Le Clerc, keeping his ulterior designs on Louisiana concealed. But the malaria and the yellow fever decimated that army in a few months, and another army was sent out of ten thousand men only to meet with the same dreadful fate. Within eight months after the arrival of the French in St. Domingo, out of twenty-four thousand men only four thousand were fit for duty, besides the loss of five thousand sailors. The expedition had caused the loss of twenty-four thousand men, and the island was not yet conquered. San Domingo was the grave of two French armies. Toussaint, the leader

of the blacks, who had aroused the deepest hatred of Bonaparte by imitating his manners, his rhodomontade, his love of military glory, and who called himself the Napoleon of the blacks, and who possessed, indeed, no small share of Napoleon's energy and restless activity, and whom Bonaparte called with contempt "that gilded negro," was treacherously abducted, carried to France and imprisoned in the dungeon of a fortress, high up in the Jura Mountains, where he soon perished, the doctor said, of pleuro pneumonia. Tous-saint had aided the French by the ability and military skill he really did possess in subduing to their authority the Spanish portion of the island. But he attempted to thwart his ambition, and he wounded his superlative vanity by masquerading as a sort of a Napoleon done in ebony, and this was his reward. But all was in vain. "Here," writes Le Clerc, with the bluntness and brutality of a French soldier of that period, "is my opinion on this country. We must destroy all the negroes in the mountains, men and women, keeping only infants less than twelve years old; we must destroy also half of those of the plain, and leave in the colony not a single man of color who has won an epaulette. *Without this the colony will never be quiet; and at the beginning of every year, especially after murderous seasons like this, you will have a civil war, which will shake your hold on the country. In order to be master at St. Domingo you must send me twelve thousand men without losing a single day.*" These reinforcements were in addition to twenty-five thousand already sent, the most of whom had perished in a nine-months' campaign. He wanted five thousand more in the following spring and a million of dollars. Finally Le Clerc succumbed to the deadly miasma of the climate, and the expedition was abandoned, and with it also the dream and the design of reconquering for France her former empire in the western world.

There are some lessons to be learned by us at this day from this most disastrous expedition, undertaken with such confidence by Napoleon, conducted by an able and experienced officer at the head of a picked body of soldiers of the French army, when that army was at its best, and sustained by a fleet against an island containing not more than a half million of uncivilized negroes, but who were determined to preserve the freedom they had but recently gained by an awful extermination of the whites. The attempt was an ignominious failure, not because of a want of courage or endurance on the part of the French, nor of any particular valor displayed by the half-savage troops they encoun-

tered, who fought desperately, it is true, but ineffectually, for want of arms, of discipline, and of commanders. But the French were warring with the powers of nature, with a death-dealing climate, and they were destroyed almost to a man. Let us look to it that we do not imitate their folly, that we do not repeat their great mistake, in undertaking such a warfare in our day and generation. Napoleon, on his failure, as was his wont, immediately laid the whole blame of it on others; on Le Clerc, his dead brother-in-law; on Talleyrand, to whom, and as a rebuke to him for urging this expedition, which had ended so calamitously and so shamefully for the French army, he announced at once not only the abandonment of the enterprise on which he had persuaded him to enter, but his intention to sell the whole Louisiana country to the Americans. This was a surprise. Livingston, under instructions from Jefferson, had only asked for east Louisiana and part of west Florida. He was astonished beyond measure when told that if he increased the sum offered he could have the whole of the French possessions in North America. Napoleon was evidently in a pique at his failure and at loss of prestige and of men in St. Domingo, was disgusted with the whole business, and, notwithstanding the expostulations of Talleyrand, of his brothers Lucien and Joseph, their threats to inform the Chambers, and against the strong remonstrance of the Spanish ministry, who, in vain pointed to the stipulation in the treaty of St. Ildefonso binding the First Consul never to alienate the territory—all of which Napoleon laughed to scorn—he concluded the bargain with Livingston, whereby for the sum of fifteen millions of dollars the whole of the Louisiana territory, east and west of the Mississippi, was transferred to the United States. The people of this country had now, without striking a blow or spilling a drop of blood, and at a comparatively paltry expenditure of money, full control of that noble river from its source to its mouth, and an almost limitless expanse of territory beyond, reaching to the Pacific, to become in time the seats of "free, convenient and independent States and governments." Jefferson experienced the truth of the saying that all things come to him who waits. He had asked only for a modern strip of territory in east Louisiana and west Florida, and now, without a word or a sign of request on his part, the whole Louisiana territory was flung at his feet by its imperious master as his own exceeding great reward. It is a singular and a memorable fact that the first *projet* of the treaty,

drawn up or dictated by Napoleon himself, contained this provision as one of the stipulations: "In consequence of the said cession, Louisiana, its territory and its proper dependencies, shall become part of the American Union, and shall form successively one or more States on the terms of the Federal Constitution." Had the genius of that wonderful man divined our institutions? or had he made a study of them when preparing to send an army under General Victor to occupy Louisiana and make that province the basis of operations against the American Republic? This provision makes its appearance as Article III in the treaty clothed in the following language:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible according to the principles of the Federal Constitution, and to the enjoyment of all the rights, advantages and immunities of citizens of the United States."

The treaty of 1819 with Spain, by which we acquired Florida, and thus rounded out our national domain on the south by the acquisition of contiguous territory, contained a similar article, the Sixth, couched in the same terms. The Supreme Court subsequently held in *American Insurance vs. Canter*, Chief Justice Marshall, speaking the voice of the court, and in the *Dred Scott* case, speaking by Chief Justice Taney, that while these articles were well enough inserted in these treaties on part of one of the contracting parties as a very proper and prudent provision, and one binding on the national honor, for the protection of the people of the territory transferred, they added nothing to the force of the obligation of the Constitution in virtue of which that people would enjoy those rights and immunities and that territory would necessarily in time become States and co-equal members of the Union. Whatever says the court substantially in these two cases, as well as in some others, be the source of the power to acquire territory, whether in the general welfare clause—the presumed authority and ground for so many extraordinary powers claimed for the Government, so that it may be termed the general residuary clause of the Constitution, and, what you seek elsewhere in that instrument in vain, you will be rewarded in finding here—or in the treaty-making power, or the war-making power, "it exists," says Marshall tersely. And as a consequence of its existence and its exercise the right to govern the territory also "exists," or is given or contained in the power conferred on Congress to make "needful rules and regulations for the

territory and other property." This last position, however, Taney, speaking for the court in the Dred Scott case, repudiates and declares that the right to govern flows from the right to acquire.

"It exists"—the right to acquire territory and the right to govern it—until formed into States. This is the only answer, and it must be satisfactory, for there is none other. But not arbitrarily, says the Chief Justice, in the Dred Scott case. There is no place, indeed, in our system of government for arbitrary power, there is no jungle in our Constitution where that wild beast can make his lair. The Constitution goes everywhere and is the supreme rule everywhere, wherever the Government exists or the flag floats. For that Government is the creature of that Constitution, and can have no existence outside of it. In that great instrument it moves and lives and has its whole being. It is the sun of our political system. When that is extinguished all is "chaos and old night."

But whatever doubt has been, or may be, entertained as to the constitutional right to acquire territory and to govern it when acquired, there can be none on this point: that once acquired on these grounds and for these purposes, there is no right to sell, exchange or dispose of it, to abandon it as a derelict or give it away. Once become part or parcel of the country, once the broad aegis of the Constitution is thrown over it, it is incapable of alienation; unless, indeed, the doctrine be at once and boldly announced, which seems to be in the minds of some of the advocates of unlimited expansion, that so far as the subject of territorial acquisition is concerned, indeed, as to all the external affairs of the United States, we are acting altogether outside of the Constitution, that it contains no provisions, no prescriptions the Government or the people is or are bound to respect; that as to these subjects we have no written Constitution; that we are an unlimited despotism and can go unchecked into the business of dealing in colonies and dependencies, buying and selling them, with or without the will of their inhabitants, as do the European powers to-day in Asia and Africa, and as they have done for centuries in Europe. Sad, indeed, then would be our case; worse even than that of the powers we so complacently call despotic. For, although they have no written constitution putting checks on the exercise of arbitrary power, in the course of centuries maxims and rules have grown into the life of the nation or have been established which gave some security and safeguard to those

rights we deem inalienable. But with our Constitution gone, whither can we fly for refuge?

When Jefferson received the intelligence of the intention of the First Consul to make, as it were, this munificent gift, as indeed it may be called, to the United States, he must, we may well imagine, have been as much astonished as Livingston, his envoy, acknowledges himself to have been, when this intention was first communicated to him by Barbé-Marbois, the French Minister of Finance. He was embarrassed by the very magnitude of the acquisition. What was he to do with it? He had instructed Monroe, whom he had sent to join Livingston in these negotiations, to offer as high as ten millions of dollars for New Orleans and west Florida, if he could get them. Here was a territory as extensive as the whole United States, as then existing, and the full control of the Mississippi River—that dangerous question to the peace and perpetuity of the Union thus forever settled—flung at him, as it were, for fifteen millions. But what was he, the strictest of strict constructionists, the straightest of the sect of States' rights, the author of the Kentucky resolutions, to do with it? Where was the authority in the Constitution for such an enormous stretch of Federal power? This was the question which he felt the Eastern Federalists with barbaric joy would shriek in his ear. Clear-headed and honest-minded statesman that he was, he candidly and frankly admitted he could find none on his principles of construction. Nothing illustrates more clearly and sharply the inconsistencies of parties when great interests are at stake, than the extraordinary political transformation scene which now took place on this question. The Republicans, to sustain Mr. Jefferson and the treaty, took Federal ground. The Federalists, instead of welcoming these converts and rejoicing over the penitents, rushed shouting pell-mell into the Republican citadel of strict construction and states-rights, and, taking possession of it, turned its guns on its retiring and defenseless garrison. Mr. Jefferson felt his position somewhat too keenly, and drew up and submitted to his Cabinet a project for an amendment to the Constitution to sanction the treaty. But his Cabinet would not listen to it, neither would his friend Gallatin, nor any of his friends of the strict construction school. Mr. Jefferson acquiesced in their decision, though twenty years afterward he expressed regret for this acquiescence. It is good his friends did not consent to gratify his overscrupulous humour on this question. Such amendment might have

proved a serious, if not a fatal, obstruction to future and equally necessary acquisitions of contiguous territory. But out of this melé of parties, out of this confusion of tongues, out of this shattering of idols there came one principle clear, untouched, fundamental, immutable, indisputable, sacred: that wherever in the Constitution may be found the source of the power to acquire territory and to govern it when acquired, such territory can be acquired not for purposes outside of the Constitution, cannot be the subject of arbitrary power, no, not for a year nor a day; not for establishment of colonial systems or military satrapies, but for the purposes only expressed in that Constitution, and as that instrument is to be interpreted by the light of the facts which gave it birth and established the union of these States under it, namely: To be governed by the Constitution and the laws, and in accordance with the principles of our Government, so long as it remains a territory, and to become in time, in the language of the Maryland resolutions and instructions of 1777, "free, convenient and independent states and governments," co-equal members of the constitutional union" for that purpose and none other. Florida, when acquired, was but sparsely settled by whites. The whole of the peninsular part of the Territory was occupied by Seminoles and refugee Creeks and Cherokees. Texas, when annexed, was already settled by a population composed of emigrants from the States of our own kith and kin, and who had already achieved their independence of Mexico. The territory acquired by the Treaty of Guadaloupe, Hidalgo and Gadsden's Purchase, vast as it was in extent, was almost wholly unpeopled, except by bands of roaming savages numbering not more than one hundred thousand, with here and there a few Mexican settlements gathered around old and decaying Spanish missions, and dotting the wide expanse like oases in a desert. The history of all these acquisitions shows—and it requires little more than a brief inspection or study of the map of the country to demonstrate it—that these acquisitions came to us by a law of growth, of natural accretion, seemingly providential, and as inevitable and as irresistible as the law of attraction in the physical universe. Whatever force was employed, and it was but rarely employed, especially in the greater and most extensive of them, was only to release and give free operation to this law. Their purpose was in accordance with the line of historical precedents to extend on the North American Continent a Confederate Union of co-equal States filled with a homogeneous popula-

tion; not to create a colonial empire whose *disjecta membra*, scattered over the globe, should be occupied by barbarous and semi-barbarous inhabitants, to be ruled over by viceroys or proconsuls; of diverse races and nationalities, incapable of assimilation with us except by the method urged in the case of San Domingo by Gen. Le Clerc on Bonaparte. But even he—familiar as he was with, and unscrupulous in, the shedding of blood in the accomplishment of his purpose—shrank from the experiment of exterminating rebellious populations. Of what success we are likely to meet with in the execution of such policy, if attempted, we are warned by the fate of that general who proposed it, and of the twenty-four thousand French troops, who, in less than one year, perished by the sword or by the effects of an inhospitable climate.

The friends of the President have flattered his vanity, it is reported, by the suggestion of his resemblance in person and political fortunes to Napoleon. He, too, it seems, has his star and is a man of destiny. Is it this flattery which has inspired him with that thirst of dominion and of territorial aggrandizement which he has manifested, of expanding the boundaries of the Republic, as it is euphuistically termed by the courtiers who surround him and his party press? If this be so, if this indeed be the cause of this sudden transformation of an Ohio politician into a Brummagen Napoleon, it will be well for him before proceeding further in playing this role and committing the country to such course, to remember that after all the blood he shed, after all the havoc and ruin he caused, the Empire of Napoleon, built on nothing more substantial than the dreams ambition weaves in the minds of its deluded votaries, fell like a house of cards. History shows more than one instance of the folly and crime of indulging the vanity of such fanciful resemblance and of attempting on the strength of it to play a role for which one is not fitted by nature, and for the success of which neither time nor circumstance is auspicious. The career of the Third Napoleon is a conspicuous instance of this. There is not in modern times a single instance of the subjugation of a revolted colony by the mother country when that colony was determined to be free. Our own independence is a proof of this fact. The independent South American States are monuments of it; aye, the very colonies of Spain which we are now engaged in appropriating are pregnant proofs of it. England, indeed, has retained her colonial possessions. But how? Taught by our suc-

cessful revolution she has given these colonies, settled by emigrants from the three kingdoms, practical independence. They have all their own governments, their own legislatures and their own laws. These laws are even sometimes antagonistic to her commercial interests. But she tolerates them rather than by opposition provoke discontent and probable revolt. She retains them by the slender tie only of a vice-regal executive, who is more of figure-head than a ruler. More than one English statesman has declared that if any one of these colonies should desire to set up a government for herself, England would permit her to do so. And even if England desired, one can hardly see how, with all her mighty sea power she would be able, ultimately, to prevent it.

India may be claimed as an exception. England holds that empire by the strong hand. A large army recruited in part from natives, upholds her authority. But frequent and bloody mutines, bloodily put down and punished, attest at what price, with what unremitting anxiety and apprehension she continues to hold an empire, which, at any moment, should a Russian army appear in hostile attitude on its Northern frontier, would flame out in inextinguishable rebellion from the Himalayas to Cape Cormorin. Let us then retrace our steps before we have gone too far; "while we can, not when we must," to borrow the language of Lord Chatham when warning his fellow peers of the folly of attempting the subjugation of the revolted American colonies.

How does this treaty now pending in the Senate accord with this high and indefeasible principle? It provides for the relinquishment by the Spanish Government of all authority and jurisdiction and sovereignty over Cuba and for the cession to the United States of the islands of Porto Rico and the Philippines; the last-named in consideration of the payment to Spain of \$20,000,000; that is, if the language used be employed to express and not to conceal thought, that we are to take possession, and taking possession to incorporate into our political system Porto Rico and the Philippines, one a thousand miles from our coast, and the other distant half the circuit of the globe. By the second section of the VI Article of the Constitution, it is declared: "That all treaties made or which shall be under the authority of the United States shall be the supreme law of the land." By the II and III Articles of the Treaty Spain cedes absolutely Porto Rico and the Philippines to the United States. Immediately on the ratification of this treaty by the high contracting parties

these islands *eo instanti* become part and parcel of the territory, jurisdiction and sovereignty of the United States. For on this point this treaty executes itself. There is nothing to be done to give it effect. Congress must provide the purchase money, twenty millions of dollars agreed to be paid for the Philippines. So far as these islands are concerned, the treaty is a deed of conveyance; the boundaries are set out with as much particularity as a conveyancer would employ. The transaction bears the character of a bargain and sale of lands with all the inhabitants; as in Russia a few years ago, one boyar would sell his estate to another with all the serfs on it. Thenceforth we can no more leave these islands to the control of the Filipinos than we can return them to Spain or sell them to a foreign power. The inhabitants become our fellow-citizens, not our subjects nor our serfs. This is not a question of disputed boundaries between two nations wherein the settlement of the dispute by treaty or otherwise, territory sometimes passes into the possession of one of the parties, over which the other had previously exercised control. For by law, as the result of such settlement, the latter power never did rightfully own such territory. There is no room, therefore, for the application of this rule to this Article of the Treaty.

While we thus propose by the treaty to acquire absolute control and jurisdiction of Porto Rico and the Philippine Islands in perpetuity and to incorporate them as the result of such transaction into our political system, Cuba is given up and abandoned. We grasp at a territory at the Antipodes, and surrender one at our very door. This island is the richest, the most important in geographical situation and the most cultivated of all the dependencies of Spain. It is our near neighbor; separated by but ninety miles from our coast; but half a day's pleasant trip across the Gulf stream; it has a population of more than a million inhabitants, civilized and cultured, thus entitling it at once to admission as a State, but not enough to bear the weight and expense of sovereignty. Now, if there be any reason or ground for the acquisition by us of any more territory there is none in the world for the acquisition of which some many and so good reasons can be given as for that of Cuba. It is neighboring territory; but a narrow ocean current separates us from it. In climate, soil and production it is like the States of the South, bordering on the Gulf. We have, for many years, for nearly a century, been in constant commercial and social intercourse with it and its people. Many of her citizens

have been educated in our colleges, many have resided among us. Its inhabitants admire our institutions and sympathize with our political beliefs and opinions. They have repeatedly started insurrections against the Spanish Government, and our citizens sympathizing with these movements have sent expedition after expedition to aid them. For fifty years we have been hankering after Cuba. We have bullied and threatened Spain repeatedly in order to force her to sell or surrender the island to us. Tentative propositions for this object have been made to her. In our eagerness to wrest this island from her grasp we have more than once come near to open hostilities because of our belief of its real or fancied necessity for the defense of our Southern coast. We have proclaimed to the world our settled determination never to permit Spain to part with it to any other power.

And yet, now, when by international law and the rights of conquest, we are or could be in possession of Cuba, we simply require Spain to let her go free. The Queen of the Antilles, whom we have been wooing for half a century has now, decked as a bride, thrown herself into our arms, and we reject her. How modest on our part! What noble self-denial! The continence of Scipio is surpassed in this demonstration of our honorable intentions. This is done, it is said, that we may show the world how virtuous we are. "We greatly resolved," to quote Mr. Lincoln's words, that we began this war against Spain not for conquest, but for the sake of humanity, outraged in every sentiment by the treatment of the Cubans by the Spanish authorities, and we, therefore, must consistently maintain this attitude and this highly decorous conduct before the world. Is this finesse or diplomacy? And if diplomacy, of what kind? If finesse, it is overdone and may come near defeating its purpose; we may lose the trick. Already the Cubans, with Gomez at their head, are taking us at our word, and are setting their house in order as an independent and sovereign State. Now that we have resolved on constructing the Nicaragua Canal, the certain and assured possession of Cuba becomes a very grave question. What was necessary before in the judgment of many of our countrymen, is indispensably necessary now with the view of guaranteeing the security of that inter-ocean canal. And yet, by this treaty we, as well as Spain, relinquish Cuba, let that island assume the rank of an independent sovereign nation, make any engagements with other powers her interests may dictate and become the theater of European intrigue; and

the United States, losing the fruits of fifty years of mingled negotiation and intimidation and of our recent victory, will be compelled, perhaps, to do all its work over again—that is, if we are sincere in our present protestations. If ever there were a body of men who have particular need to make that common confession of us all; “we have done that which we should not do, and have omitted to do that which we should have done,” it is Mr. McKinley and his commissioners, or agents rather and attorneys as to these features of the Treaty, for plenipotentiaries they hardly can be called, in view of the fact that they were sent, not with powers to negotiate a treaty, but with explicit demands in their pockets, which they were instructed to insist upon, under the threat of a suit—at war.

But, after all, we make no doubt that if Mr. McKinley or any of his commissioners should read this criticism, as it is not likely they will, however, they will laugh like the Roman Augurs at the innocence of the writer, who could for a moment believe that it has ever entered the mind of Mr. McKinley or of any one of his commissioners to conceive the possibility of giving up Cuba now, that after so many efforts and strivings we have got possession of it. But this double dealing with Cuba and the world is a dangerous game. Sometimes such games not only fail, but are frequently attended with disastrous results to the players. Why not reverse the condition—hold Cuba, and relinquish the Philippine Archipelago? That course would have been more in accordance with our rights and interests, with what may be termed the long settled policy of the country, in accordance with the expectation of our people, above all with open and plain-dealing and national honor.



KHAVER.

By C. L. Crisfield.

1. *Khaver, a Turkish Story of Domestic Life.* By Ahmed Isban. Translated by Louis C. Solyom: 1899.

THIS is an unaffected narrative, dealing with natural, kindly people.

A tale of domestic life in Constantinople—the scene laid on the banks of the Bosphorus, amid that wondrously beautiful scenery, never to be forgotten, by one so fortunate as to have visited it.

A simple, domestic story; and yet one replete with tragedy—a tragedy (given a man yet in early manhood, and two women, both young and beautiful), old almost as man himself.

The author, Ahmed Isban, is one of the best known and most popular of living Turkish writers. Although yet a young man, he has written several books, and translated many of the best French novels. He is also the owner and editor of the "Servet," an illustrated weekly paper, now in its eighth year, and of high repute.

The social life of the Osmanlis, with its rigid separation of the sexes, offers but a poor field for the novelist; yet the author has succeeded most admirably in giving us in "Khaver" an intensely interesting love story.

Several Turkish writers have made similar attempts, but they confine their heroes to liaisons with Christian women—mostly French actresses—at Constantinople, and representing a class of whom the less we know the better for us.

In direct contrast with this, not a Christian enters into the plot of "Khaver."

The characters are not to be judged altogether by the standards of Western civilization, the conditions being different; although, human nature being alike in all quarters of the globe, given the same situations, there will be little difference in results.

The better therefore to understand the story of "Khaver," a brief account descriptive of the manners, customs and reg-

ulations of the Moslems is desirable, as well as to obliterate any false impressions of the Turkish people, derived from newspaper articles hastily written by those imperfectly acquainted with their subject.

The translator, who has spent months in Turkey, and understands the language, in addition to many others, has done his work well, and conferred a boon upon the reading public by adding to our knowledge of a nation much maligned, and of whom we really know but little. It seems not to be generally understood that the Islam religion is founded upon the teachings of the Holy Scriptures.

The Moslemites accept the Mosaic account of Genesis—of Adam and Eve, of the Flood, etc.

Abraham, Moses, and Jesus are revered by them, as God's holy prophets. These names are never mentioned save with a "May God's peace be upon him!" Nay! any disrespectful mention of the name of Jesus is, with them, a punishable offence; although they do not concede to him the Godhead.

From the Old Testament they have adopted the ordinance of circumcision, and the abstaining from the eating of unclean animals; and have added to these hygienic measures by forbidding the use of wine, and enjoining upon their followers a certain number of compulsory daily ablutions.

Polygamy has, unfortunately, been retained, but is considerably restricted; for while the Hebrew monarch revelled in the possession of seven hundred wives, the Padishah is allowed but seven, and the rest of the true believers are accorded only four.

The number of Odaliques (temporary wives) is not restricted; but few avail themselves of the privilege to any extent, and, if the truth were known, are perhaps quite as moderate in such matters as many of our own countrymen, who look down upon the Turk as the most immoral of all nations.

Sometimes, in the case of barrenness or other infirmity, a husband will have urged upon him by his own wife the expedient of an Odalique; and the children resulting from such unions, have the same legal and social standing as those born of a legal wife.

Polygamy, however, is rapidly dying out, probably not more than one-sixth of the inhabitants having more than one wife. Very few of the Turkish officials, civil or military, depart from this rule, it being a matter of pride with them to follow the saying of the prophet Mohammed: "The man

is to be praised who has but one wife." That Mohammed failed to put in practice himself what he enjoined so emphatically in precept, is only another proof of the weakness of human nature, and does not detract at all from the wisdom of the injunction.

From the New Testament the doctrine of the resurrection of the body is received; and for those resurrected a Paradise, an intermediate state, and a sort of Gehenna are provided.

In this Paradise, divided into male and female compartments, the blessed will enjoy all sorts of physical comforts and delights; those in the male department, of course, being first considered. For them three hundred dishes of daintiest food are served by seventy-two houris (apiece presumably). Perpetual virgins, who are to replace their earthly wives, and by their superlative charms and perennial graces, blot out even the remembrance of the earthly partners, whose shortcomings caused Paradise to be so blissfully anticipated.

In their own especial compartment these one-time partners, freed from any interference by Lord and Master, are to enjoy a blissful release from marital servitude, finding, it is to be supposed, full compensation for the absence of the male sex in untrammelled liberty of speech and action.

But, alas! for the barren woman! For her is found no place either on earth or in heaven, for none such are admitted into Paradise; and upon earth her place in the affections of her one-time spouse, may at any time be usurped by an Odalisque, or even worse, by a second wife.

For this reasons the Moslems have monks, but no nuns. The Moslem conception of a deity is that of a God without body or limbs, they looking with horror and contempt upon the pictured conception of the Almighty as an old man with venerable beard and flowing robe, sitting upon a throne—a conception made use of by Christians in earlier days, to bring more vividly before the common mind the realization of a personal God.

Rigid fasts are kept, and daily prayers said, with faces turned toward the twin cities of Mecca and Medina—holy cities—where their prophets were born, and where they are buried. Thither all true believers are expected to make a pilgrimage at least once in their lives; and he who has done so is called ever after Hadji, one who hopes.

The Koran, from whence these doctrines are derived, and which contains many injunctions that Christian men and

women might follow with advantage, was given them by that great reformer Mohammed—an upright and just man—who believed himself called of God, to eradicate the corrupt creeds of his countrymen, the Arabs, and to reform their still more corrupt practices.

Against the Moslems the charge of cruelty has been unjustly brought.

Witness their fondness for, and indulgence, of children, the kindly nature of the relation between master and servant, and the unusual charity practiced toward the brute creation, as well as toward the poor of the human species.

As a matter of fact, it would be difficult to find another nation possessed of greater innate charity, forbearance and gentleness, both of feeling and manner.

Charity is one of the principal doctrines of their faith, and is measured only by their means.

Who has not heard of the dogs of Constantinople? Dirty, crippled, homeless and nameless curs—born and dying in the streets; without shelter, either in summer or winter, covered with sores and wallowing in mud; these are constantly fed, and never ill-treated by Moslems—objects of compassion to all followers of the Prophet; and where one is sent howling away by a kick from some passing wayfarer, it is safe to conclude that wayfarer anyone rather than a Moslem.

Thousands of pigeons are fed by private charity, and sparrows may be seen feeding from the hands of children, who are thus early taught sympathy with suffering. The very beggars share with the hungry dogs their scanty crust, so low in the scale does this universal virtue of charity descend.

Children are indulged even to a fault; and that tolerance is shown toward other religions is proved by the fact that some of the highest offices are held by Christians, Armenians, Greeks and Jews. The Koran expressly forbids compulsion in the matter of religion; and if the practice is not always in conformity with the precept, how far do they differ in that respect from the lukewarm followers of our own Lord and Master!

Let him who is without sin among us cast the first stone. Laws regarding education have been made, and during the reign of the present ruler are rigidly enforced, thus doing away with the charge of ignorance. Every boy and girl must attend school when the age of seven is reached, and

continue there during the first four grades, learning reading, writing, arithmetic, and parts of the Koran; and higher schools are established for those who are to carry their education further.

Many of their young men are sent either to Paris, or to some European University. Their young ladies are musicians and revel in French novels; and newsboys swarm the streets, even as they do with us.

Many ideas, not in conformity with the teachings of the old orthodox Ulemas, are being imported into the country by such Turks as finish their education abroad; and it is to the teachings of these liberal-minded moderns that eunuchs are being done away with.

In consequence of this change, lovers of romance or seekers after novelty, basing their idea of Turkish doings upon the traditions of a bygone age, are apt to find themselves woefully disappointed. They might wander long upon the banks of the Bosphorus, hoping to hear a prayer for mercy from a lovely but frail being being done to death by the unscrupulous agents of a still more unscrupulous master. Women doubtless are sometimes murdered there, as they are here, by a sudden blow from a ferocious brute; or live on with the no less terrible torture of a broken heart, but the Turkey of to-day is, if somewhat slowly, falling into the line of march—and it will not be so very long before we are able to meet upon a common plane, and find ourselves in touch at more points than we wot of.

The word "harem," or "hareem," meaning sacred, is used to designate that portion of the house set apart for the female members; and is also made use of in speaking of a man's wives, thus, "Ahmed Bey's harem is coming." Only the husband, father, brother, or son, is permitted to enter the harem; and even they must first give notice of such an intention, that any visitor who may chance to be within shall have time to conceal her face. A very usual custom, when the harem is receiving, is to place a pair of slippers without the entrance as indication that no males are wanted. This warning is never violated.

Only the Padisha, who is the father of the whole nation, is allowed to look at the uncovered face of a female.

Boys are allowed in the harem until they arrive at the age corresponding to that in which young girls are obliged to veil their faces; and girls, until they put on the veil, may enter at will, the selamlık, or portion of the house set apart for males.

Life in the harem does not differ materially from that in many of our own households of people of leisure, save that in it the inmates do absolutely no work.

Bathing, dressing, drinking coffee, smoking cigarettes, embroidering, gossiping and receiving visits. When need of change is felt, visiting, shopping, pleasure excursions, or an outing to the baths, serves to break the monotony.

The husband's permission to fare forth is always asked, and seldom refused—unless by some jealous brute of the old régime; and where there is more than one wife, each one has separate apartments, and is not necessarily brought in contact with the other.

Among Orientals there are obviously no love matches. Marriage contracts are usually managed by a marriage broker, generally a shrewd old female, who knows everybody and everything, and whose services are called for by the mother who wishes to marry her son. To her she designates the kind of wife she considers desirable, particularizing the physical appearance, accomplishments, moral character, and social standing required.

Usually, the article is forthcoming, without delay; but if not, the agents visits the public schools, selecting one who comes nearest to fulfilling the conditions, and the mother proceeds to make her acquaintance, probably at the public baths, where often as many as two hundred women and girls congregate at certain hours of the day.

If the choice prove satisfactory, negotiations are entered into with the girl's mother. The two exchange visits. The papas are brought to agree, and the contract is completed.

It is said that the girl is always given a chance to see the prospective bridegroom—herself unseen—especially if he be good looking—and there she has the advantage, for it is not until after the marriage, and the young couple are left alone, that the husband tears away the veil, and beholds his bride for the first time. It is also said that she is never compelled to marry against her inclinations. As for the man, he trusts implicitly to his mother's judgment in the matter.

If blessed with children, a marriage seldom turns out unhappily.

It is to be regretted that with each succeeding year few and fewer Turks adhere to the picturesque costume of their native land, allowing the baggy trousers, caftan and girdle, to be supplanted by the European trousers and coat, while the voluminous turban is replaced by the fez.

Attempts have been made, at various times, by the fair sex, to emulate their lords and masters in adopting foreign attire; but as often as it has been attempted the police have interfered driving the fair experimenters to hide their diminished heads within the precincts of the harem. Upon one such occasion, so indignant did the clergy and Ulemas become that by their orders, police were placed near the bazaars and thoroughfares, armed with scissors, and given instructions to cut to pieces the garments of any lady attempting an innovation. A command which was literally carried out, regardless of the cries of the victims. Since then a Turkish woman has rarely been seen without the conventional yashmak or veil, with only an opening for the eyes, and the feredjah—a sort of cloak—covering the whole body, giving them the appearance of walking bags of many-colored hues.

In an old book of travels by Pietro Della Vallé, written in 1615, occurs a passage which will show how little change there has been in the style of feminine apparel in the course of three hundred years; and also what opportunity is afforded by it for intrigue, if the wearer be so disposed.

"In the bazaars we go often, less to trade, than to see the Turkish ladies, who walk there in troupes, either to buy, or rather, as I believe, to be seen, as much as is possible, through the veils which cover their faces, but do not conceal their eyes, or prevent them, when they wish, from being easily recognized.

"They carry themselves very erect, as straight as pike-staffs, putting their hands, in order to conceal them, in the openings which are made in their outer garments, nearly resembling our pockets, keeping their elbows bent like the handles of pitchers. When they meet any of us, with whom they think they may take more liberty than with their own people, they give us a jog, as though hustled by the crowd. If they are beautiful we do the same with them, this action being accompanied sometimes by a mutual smile, which we follow up with some pleasant words, and little acts of gallantry, until, little by little, a friendship is struck up."

At the theaters men and women are never seen together, especial days being set apart for women; and in omnibuses or steamboats there is always a separate compartment provided for them.

Custom even goes so far as to decree the use of separate carriages for husband and wife (a wise precaution, so long as the wife retains her veil), though in the case of the poorer

classes husband and wife may sometimes be seen going home from market or cafe, side by side.

With this brief account of the habits and customs, which make the story before us possible, we turn again to "Khaver."

Khaver, meaning the Orient and Occident, is also in the East, a woman's name; nor could there have been a more fitting one for the heroine of this tale, since the hero came in time to find that for him at least the sun both rose and set in her.

As with all tales in which the characters are restricted to a few, the interest turns upon the development of some one of the passions—in this case, that of love.

Left an orphan at an early age, after various vicissitudes, Khaver is finally brought to the notice of Shuhret, the confidential maid of Sadiyi, wife of Raji Bey; and by her introduced into the household of the wealthy young couple.

She is young, timid, scarce a woman. Slender and graceful, with small hands and feet, a wealth of blond hair, and a still greater wealth of affection, locked within her girl's heart, for want of someone upon whom to expend it.

With little knowledge of men, and still less of the sleeping world of affection and passion within herself, she makes of her new master, unconsciously to herself, a standard by which she tries all men.

Handsome, distinguished, kindhearted, and an indulgent husband, he is all that the most exacting maiden could desire, as the hero of her innocent dreams. If such an one should ever fall to her lot! but she is only a poor servant girl, and he, an ideal to be worshiped from afar.

Up to this time she has never exchanged a word with him (her duties in the household keeping her distinctly apart from him), and, to do her justice, neither expects or desires it. Their spheres lie far apart.

Khaver can neither read nor write, but having lived in the houses of the wealthy, and associated with persons of refinement, she has acquired a correctness of speech and manner that would do credit to the highest position.

Raji, her master, is still on the sunny side of forty, and at the close of fifteen years of married life with the woman chosen for him by his mother, has never yet known a genuine passion. He has no fault to find with Sadiyi. Indeed, years have strengthened and deepened the tender affection subsisting between them, and the marriage would have been an eminently happy one but for the fact that they were childless.

This is, of course, a source of grief to both; but time reconciles us to most things; and though at times Raji had thought of taking an Odalisque, or even a second wife, the thought of the pain it would give Sadiyi has deterred him, and he has never even broched the subject to her.

As for her, the fear that had once stirred her heart and given her many waking hours, has slept now for some years, and husband and wife have sought distraction and consolation—she among her female intimates, he with his male friends. Surely, after such a lapse of time she has no longer cause to fear.

But, alas! when most we fancy ourselves in security, then oftenest are the hidden forces at work, which shall bring our citadel tumbling about our ears.

It had been the habit of the couple to remove in the month of June, for rest and refreshment, to their charming cottage on the Bosphorus; and it is at this place that we find them installed in the opening chapter of the story.

Was there no good angel to whisper to the wife of fifteen years of the rock upon which her happiness was soon to be wrecked, and bid her in her own interest hug the shores of home! Given a summer cottage amid such enchanting surroundings, an absent wife and a pretty attendant, with a childless master, the depths of whose being have never yet been stirred, and the outcome is not difficult to predict.

No sooner are they fairly settled than Sadiyi, with the restlessness which has developed in her of late years, decides to return after the first few days to Constantinople, taking with her Shuhret, whose business it has hitherto been to wait upon her master.

This leaves only the old housekeeper and Khaver in the harem, obliging the younger woman to serve the Haji.

In Turkey, as elsewhere, too much leisure is the root of all evil.

For the first time Haji notices the girl who is a member of his household, and notes, too, with surprise, that she blushes and trembles when addressed by him.

"Are you afraid of me?" he asks, in a good-natured attempt to reassure her, and receiving a reply in the negative, an idle curiosity prompts him to discover, by questioning, the cause of her agitation.

He asks her of her former life and associates; and the girl, gathering courage from his kindness, begs that he will read

for her a letter from home, just received, and which there is no one to decipher.

He complies, and learns therein that a lover whom she has refused before coming to Constantinople, is neglecting his business, has given up all care for anything, and is going to the dogs, for love of Khaver. This is decidedly romantic, and deepens the interest he has already begun to feel in the pretty girl, half child, half woman, who is serving him, and he scans her yet more closely. Is there anything about her to inspire a passion like this? And then, to his surprise, he sees that she is even more beautiful than his wife. The thought of her pursues him. Is he not entitled to an Odalisque, or even to a second wife, if it pleases him, by all the laws of his country, both religious and social?

But no! he will not put this slight upon Sadiyi, his faithful wife of fifteen years, and determined to break the spell, he sends the girl off to Constantinople, and betakes himself to Brussa.

It is well to remember, in rendering judgment upon Raji, that his action was in accord with the laws and regulations of his country, and would have been justified, had he chosen to make it public. That he made Khaver an Odalisque instead of marrying her, the relations between his wife and himself would not have become strained, although Sadiyi must still have suffered. But to take a second wife from a lower class, and one moreover who had served in his own household, must not be tolerated by a refined and cultivated woman, coming from the highest class of the educated Osmanlis.

Deeming himself cured, in a few weeks, he returns to the cottage, where he finds his wife again established, and finds, too, a marked avoidance of him on the part of Khaver. This fans the flame which he had thought extinguished and reawakens his interest in the girl. He falls asleep to dream of her, and awakes to the music of her voice.

In her the man's natural love of beauty, and quest after novelty, as well as his passionate longing for children, are all satisfied.

To be sure, Sadiyi must suffer; but some one must always suffer in this world. Then, too, as he quickly says, he can see that "she is getting used to it."

Ah! this getting used to it!

Most of us have known what it is at some time of our lives. The weary shifting of the burden, from shoulder to

shoulder, in hope of finding ease; the passionate rebellion, when we throw it down, declaring we cannot, *will* not bear it—and then the meekly taking up again, until it grows to be almost a part of us, and only our dearest intimates (perhaps not even they), know of its existence.

And so the story moves on to the final tragedy, which comes near to wrecking three lives.

When at the last moment, the wife, with the supreme abnegation of which only a woman is capable, comes to the rescue, and gathering up the broken remnants of her happiness, pieces them together, as best she may, once more, into a united whole.

Of the silent agony, the secret heart break, the shattering of an ideal, only Heaven has been witness.

What is to be will be! For her, the mingled pain and joy of self-sacrifice.

For him! the delight of conquest, the triumph of possession. Regret, remorse, despair, and then, the final return to reason and duty, when circumstances have rendered a disregard of either no longer possible.

He has eaten his cake—and has it, too.

The translator of this story is Louis C. Solyom, a gentleman of Hungarian birth, who served in the Union army during the Civil War, and who has been for many years a valued employee of the Library of Congress, in which capacity his services have been more highly appreciated on account of his familiar knowledge with most of the modern languages. Mr. Solyom has also translated several other novels, among them a Spanish production of Ramon Frias, entitled "Elena's Three Daughters," a story, the scene of which is laid in Madrid, and which is worthy of perusal by all lovers of adventure.



NEW ENGLAND STATESMEN.

By H. B. Stimpson.

1. *John Adams, with other essays.* By Mellen Chamberlain. Houghton, Mifflin & Co., Boston: 1898.
2. *John Adams.* By JOHN T. MORSE, JR. Houghton, Mifflin & Co., Boston: 1885.
3. *John Quincy Adams.* By JOHN T. MORSE, JR. Houghton, Mifflin & Co., Boston: 1882.
4. *Samuel Adams.* By JAMES K. HOSMER. Houghton, Mifflin & Co., Boston: 1885.
5. *Daniel Webster.* By HENRY CABOT LODGE. Houghton, Mifflin & Co., Boston: 1883.

THE town meeting or the folk mote has always been the pride of New England. Upon it her people, with justice, base their claim of possessing the purest democracy known to the world, since our rugged ancestors roamed through the great forests of northern Germany, living in a supposed state of ideal liberty, but in reality ruling by the strong arm alone. In these assemblies where the whole people met to participate in the government of the town, in the transaction of its business and the direction of its affairs, the poor man was equal to the rich, his voice and his vote had equal effect, and though his elbows might be out his sturdy independence and rough logic made him a dangerous antagonist. The town meeting became a great popular debating society, in which every man was a member, who, with shrewd and ready speech, sought to maintain his point. The resultant effect upon the inhabitants of New England of this system of government was immediate and marked. It affected the very life and vitality of every community, directed the course of the towns and the provinces and, incidentally, left its stamp indelibly upon the history of the Union. It developed a race of men, shrewd in public affairs, ready in argument, quick to see the weak points in an opponent's armor, and for the purpose of a popular local

government it was difficult to surpass. But here its limitations began, the limitations which hedge in this form of government wherever found. As soon as a question arose in which the horizon was broader than the folk-mote or the town, a question, a policy or a cause that might vitally affect the political course or future of a province, a State or the nation, the training of the town meeting became utterly inadequate for the purpose and a failure. The man trained in the town meeting, in the discussion of the infinitesimal small points of local government, the pasturing of cattle on the common, the opening of roads or the closing of alleys, who by his shrewdness in these matters became the representative of his townsmen in the provincial assembly, or rising higher than that, became a member of the Continental Congress, carried with him, of necessity, the effects of his training. He there for the first time came in constant association with men of a far different class and training; men often of great culture, wealth and learning, educated in the universities of Europe, and whose families since the foundation of their respective provinces had been of the governing or ruling class. The men who the man of the town meeting now meet, were not only capable of broad and wide views upon the great subjects involving the future of the colonies and thoroughly versed in every phase of the questions, but were equally well versed in the questions and policies that shook the thrones of Europe, and were in every sense, statesmen of unusual ability. The contrast was marked and great, as the man of the town meeting took his place as the representative of his province. Would he shake off the narrow influence of the town meeting; would he carry into the assembly of the Union the petty politics in which he had been trained, or would he rise far higher, become capable of taking broad views of great questions; become, in fact, a great statesman? Would he ever have that breadth of vision, that ability possessed by a few great men, to look into the future and to direct the course of their States along certain broad lines of public policy, which result in their avoiding great dangers and preserving a prosperous existence for generations?

The books of which this is a short review and the present state of New England furnish a clear and positive answer. The limitations and the influence of the town meeting followed its representatives into the councils of the nation; it was too deeply rooted in the soil, it was too much a part of the very blood of the people, to be otherwise. The

representative was, in fact, the mere spokesman and mouth-piece of the town meeting. As one influence swayed it this way one day and another influence the opposite way the next, so swayed its representatives. If he faltered for a moment or took an independent course he was ignominiously discharged, as was John Quincy Adams upon his declaring in favor of the war of 1812 in opposition to the will of the town meeting. Ready and quick in debate; showing often extreme cleverness in meeting questions at the moment to be solved, they were good attorneys and good agents, obeying strictly the orders of their master. But their master was a fickle one, uncertain of purpose, changeable, influenced solely by the present and incapable of pursuing a consistent course. Like master, like man, and twice only did the agent of this master have the courage and the daring to face him and tell him the truth, and each time he was dismissed in disgrace—Mr. John Quincy Adams, as we have already stated, and Mr. Webster for his 7th of March speech. Instead of directing the town meeting, they themselves were directed by it. They did not possess in any great degree that peculiar quality of statesmanship to which we have just referred, which lifts men far above their fellows, and they wholly failed to direct the course of New England so as to make her as prosperous in the future as in the past. To this, Mr. Webster is the one exception, and he failed; but even Mr. Webster did not possess this quality in the degree that so distinguished his great opponent, Mr. Calhoun, whose genius in this respect, more than that of any other American statesman, amounted to absolute prophecy. It was impossible for them to preserve a consistent course or advocate year in and year out, through defeat and disaster, a single great policy, or to weld the masses of the people into solid ranks behind them, and force them to support their policies and their measures. They were ever vacillating, never consistent, for any length of time. It was always the "present" with them. Thus it was, with the slave trade, with State rights, with the tariff. In the time of Samuel Adams the merchants of Boston grew opulent through manufacturing rum to be used in exchange for slaves, to be sold in the Southern provinces. Indeed, Samuel Adams himself was a brewer of malt and one of the most honorable acts of his career was his forced retirement therefrom. The sons of the men who were in the slave trade led the crusade against it. Thus it was with the doctrine of State rights. We find Mr. John Adams when President of

the United States carrying the Federalist doctrines to their fullest extent, ready if necessary to enforce the power of the Federal Government at the point of the bayonet. Yet before the clouds of dust raised by the wheels of his coach in his disgraceful retreat from Washington had settled again upon the highway, the town meeting declared for the most extreme principles of State rights and were ready to join a foreign foe at a moment when the very existence of the Union was at stake, in order to secure them. It is true that the signing of the treaty prevented the consummation of this desire, but the desire and will were there.

The sound of their voices and the clamor had barely died away before we find them under the leadership of Mr. Webster, in the vanguard of the attack upon these very rights. It was the same way with the tariff. At first they were radical free traders, denying the constitutionality of any tariff measure. Within a short space of years we find the same men and the same leaders eloquently supporting the constitutionality of the measures and seeking by every means in their power to extend their provisions. A few mills had been erected in New England, and principle became as nothing where interest was concerned. Mr. Samuel Adams was the typical man of the town meeting, typical not only in the sense of being the evolutionary result of many generations of town meeting ancestors, but for the method of political warfare which he developed and which has been followed by so many New England leaders since his day. He was in fact a partisan chief, a guerrilla, a bushwhacker, the Mosby of political warfare. Hanging on the outskirts of the enemy, he lost no opportunity to harass them; no opportunity was too small for him to seize as the basis of an attack; no concession granted was ever accepted but as the ground for an increased demand. Delighting in the contest, however bitter, leading his men constantly to the attack, he forces you almost involuntarily to sympathize with Governor Hutchinson in his desire to be rid of this most pestilent fellow. Samuel Adams was a destroyer, a puller-down, but he never was a statesman to build up, to construct. When independence was declared his work was done. His more respectable cousin, John of Baintree, was curiously like him in his method of warfare, but it was John Quincy Adams who was his lineal successor, who carried his methods and principles of warfare into the Congress of the Union.

Mr. John Adams had a higher claim to statesmanship than had his cousin Samuel, but it is doubtful if even he will

ever take a high rank. His disagreeable manner, his habit of suspicion, his unfortunate temper and bitter attacks upon every person who differed with him in the slightest degree neutralized whatever influence he might have had for good and made his championship of a cause almost a signal for its defeat. He constantly undid with his left hand what he did with his right, and ended by being the Brutus of his party and sending it to its grave.

But it was for Mr. John Quincy Adams to combine in a tenfold degree the disagreeable personal characteristics of his father with the partisan warfare of his cousin. The son like his father was without a spark of personal magnetism; his unfortunate manner repelling rather than winning loyal adherents, and together they did more than all their follow-by-word throughout the land. Mr. Morse describes him as to make what is known as the New England manner, a thus:

"In most cases it was probably the manner quite as much as the act which made Mr. Adams unpopular. In his anxiety to be upright he was undoubtedly prone to be needlessly disagreeable. His uncompromising temper put on an ungracious aspect. His conscientiousness wore the appearance of offensiveness. The Puritanism in his character was strongly tinged with that old New England notion that whatever is disagreeable is probably right, and that a painful refusal would lose half its merit in being expressed courteously; that a right action should never be done in a pleasing way; not only that no pill should be sugar-coated, but that the bitterest ingredient should be placed on the outside. In repudiating attractive vices the Puritans had rejected also those amenities which might have decently concealed or even mildly decorated the forbidding angularities of a naked virtue which certainly did not imitate the form of any goddess who had ever before attracted followers.

Mr. Adams was a complete and thorough Puritan, wonderfully little modified by times and circumstances. The ordinary arts of propitiation would have appeared to him only a feeble and diluted form of dishonesty; while suavity and graciousness of demeanor would have seemed as unbecoming to this rigid official, as love-making or wine-bibbing seem to a strait-laced parson. It was inevitable, therefore, that he should never avert by his words any ill will naturally caused by his acts, that he should never soothe disappointment, or attract calculating selfishness. He was an adept in alienation, a novice in conciliation. His magnetism

was negative. He made few friends; and had no interested following whatsoever."

The very nature of the man made it impossible for him to become a constructive statesman. He was of the class of the destroyers and as such he died.

Of them all Mr. Webster was by far the greatest, but it is a curious fact that Mr. Webster more than any of them was affected by the decree of the town meeting, and swayed by the influence of his fellow townsmen, until the great revolt at the close of his career. It was Mr. Webster who stood quietly by, in spite of his nationalism, when New England threatened to secede. It was Mr. Webster who argued so ably against the constitutionality of the tariff law at a time when the struggle of a great war made it absolutely necessary. It was Mr. Webster who supported the Bill of Abominations, ignored its unconstitutionality, and led in the effort to extend its provisions upon the ground of expediency alone. As the views of the town meeting changed he changed. It was Mr. Webster who made the reply to Hayne and delivered the speech on the 7th of March, but here he was more consistent, for it was loyalty to his one great principle of nationalism that prompted both. It is true, as Mr. Lodge admits, that his reply to Hayne was not constitutionally sound; that, in fact, it had no constitutional basis whatever, as was shown by his utter defeat, when he met the cool incisive reasoning of John C. Calhoun, a few years later.

It was a great oration, where, abandoning untenable constitutional grounds, he boldly appealed to the emotions of the masses, gave birth and effect to the spirit of nationalism and eloquently sought the repudiation of a solemn contract without the consent of the other parties. To quote Mr. Lodge, for his account is a singular vindication of the view taken by the Southern leaders of Mr. Webster's speech:

"The weak places in his armor were historical in their nature. It was probably necessary, at all events Mr. Webster felt it to be so, to argue that the Constitution at the outset was not a compact between the States, but a national instrument, and to distinguish the case of Virginia and Kentucky in 1799 and of New England in 1814, and that of South Carolina in 1830. The former point he touched upon lightly, the latter he discussed ably, eloquently, ingeniously, and at length. Unfortunately the facts were against him in both instances. When the Constitution was adopted by the votes of the States at Philadelphia, and accepted by the votes of the States in popular convention, it is safe to say

that there was not a man in the country from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had the right peaceably to withdraw, a right which was very likely to be exercised."

"The vast change had come on the other side of the question, in the popular idea of the Constitution. It was no longer regarded as an experiment from which the contracting parties had a right to withdraw, but as the charter of a national government.

"He defined the character of the Union as it existed in 1830, and that definition so magnificently stated, and with such grand eloquence, went home to the hearts of the people, and put into noble words the sentiment which they felt but had not expressed. This was the significance of his reply to Hayne. It mattered not what men thought of the Constitution in 1789. The government which was then established might have degenerated into a confederation a little stronger than its predecessor. But the Constitution did its work better, and converted a confederacy into a nation. Mr. Webster set forth the national conception of the Union. He expressed what many men were vaguely thinking and believing.

"But in the state of public opinion at that time it was necessary to discuss nullification on constitutional grounds also, and Mr. Webster did this eloquently and ably as the nature of the case admitted. Whatever the historical defects of his position, he put weapons into the hands of every friend of the Union, and gave reasons and arguments to the doubting and the timid. Yet, after all is said, the meaning of Mr. Webster's speech in our history and its significance to us are, that it set forth with every attribute of eloquence the nature of the Union as it had developed under the Constitution. He took the vague popular conception and gave it life and form and character.

Turning to his account of the debate on the Force Bill, we find it equally as interesting by reason of its very frankness. The Force Bill came up, and Mr. Calhoun made his celebrated argument in support of nullification. This Mr. Webster was obliged to answer, and he replied with the great speech known in his works as "The Constitution not a Compact between Sovereign States." In a general way the same criticism is applicable to this debate as to that with Hayne, but there were some important differences. Mr. Calhoun's

argument was superior to that of his follower. It was dry and hard, but it was a splendid specimen of close and ingenious reasoning, and, as it was to be expected, the originator and master surpassed the imitator and pupil. Mr. Webster's speech, on the other hand, in respect to eloquence, was decidedly inferior to the masterpiece of 1830. Mr. Curtis says, "Perhaps there is no speech ever made by Mr. Webster that is so close in its reasoning, so compact and so powerful." To the first two qualities we can readily assent, but that it was equally powerful can be doubted. So long as Mr. Webster confined himself to defending the Constitution as it actually was and what it had come to mean in point of fact, he was invincible. Just in proportion as he left this ground and attempted to argue on historical premises that it was a fundamental law, he weakened his position, for the historical facts were against him. In the reply to Hayne he touched but slightly on the historical, legal, and theoretical aspects of the case, and he was overwhelming. In the reply to Mr. Calhoun he devoted his strength chiefly to these topics, and, meeting his keen antagonist on the latter's chosen ground, he put himself at a disadvantage. In the actual present and in the steady course of development, the facts were wholly with Mr. Webster. Whatever the people of the United States understood the Constitution to mean in 1789, there can be no question that a majority in 1833 regarded it as a fundamental law, and not as a compact—an opinion which has now become universal. But it was quite another thing to argue that what the Constitution had come to mean was what it meant when it was adopted. The identity of meaning of these two periods was the proposition that Mr. Webster undertook to maintain, and he upheld it as well and as plausibly as the nature of the case admitted. His reasoning was close and vigorous; but he could not destroy the theory of the Constitution as held by leaders and people in 1789, or reconcile the Virginia and Kentucky resolutions or the Hartford convention with the fundamental-law doctrine."

The logic of this is, that if a State enters into a contract with another State, and at the time of its consummation it is distinctly understood to mean certain things, that either State thereafter has the right to repudiate the understood meaning and to place upon the contract any interpretation it may desire, to repudiate the original intention at will, a theory that could not be sustained before a *pie poudre* court.

But it was in 1851 that Mr. Webster determined no longer to be ruled by the town meeting. He saw his theory of nationalism threatened, and that was more to him than any further honors he could receive at their hands. He saw the impending disruption of the Union. On one side he saw the solid South led by a brilliant coterie of leaders. He knew these leaders far better than any New Englander of his time. He had crossed swords with them in debate. He was constantly associated with them in the transaction of public business. He knew that they were like finely tempered steel, and that before they would abate one jot of their rights under the Constitution, that a long and bloody war would have to be fought. On the other side was the rising tide of fanaticism having its source in the town meetings of his own State and spreading fast far over the Northland. It took no statesman to see that the meeting of these forces meant war, but it took not only statesmanship of the highest order, but great moral courage to do what Mr. Webster now did. He knew that the South was legally right; that they would not yield, and that there was only one way to prevent disruption, and that was to stem the rising tide of fanaticism; and this he did, for he told the North the truth in a way they could not but hear; he forced them to halt and to think. He dealt the spirit of fanaticism blows under which it reeled and faltered, and from which it did not recover for several years. It is true they had their revenge; that they hounded Mr. Webster to his grave, but he appeared a grander figure than at any time of his career, as amid the hostile clamor of his old friends and associates, he made his last great effort to preserve the Union, folded around him the banner of nationalism, the one principle to which he had been consistently loyal—and died.

Such, then, were the leaders of New England, but what was the effect of their leadership upon the prosperity of their States and section? Has it made them strong and powerful, or have they sown the seeds of a sure and fatal decay? for this is the criterion of all statesmanship, and by it is measured the reputation of leaders and of statesmen. Is it not to this very leadership or want of statesmanship in its highest sense that to-day New England owes the precarious condition of her cotton industries and the gloomy outlook for her future? If this is so, then they cannot ask that the wreath of the statesman be placed upon their brows. They tried and failed. We can best illustrate this by showing the

effect of her political course upon her resources and her industries.

Shortly after the Revolution, upon the opening of the western lands, it became evident to the people of New England that their fields were too sterile and barren to enter into competition with the richer lands to the west, and that it would be necessary for them to turn to other industries for their future prosperity. With a remarkable versatility, this they immediately proceeded to do. They had as a foundation a natural aptitude for mechanics and manufacturing industries, and mills, and factories began to spring up all through New England. As early as 1790 the beginning of her great cotton industry was laid, which was finally to overshadow all her other industries. But what at first was more important than anything else was the development of her merchant marine. Very early in our legislative history, as early as 1792, at her instance an act was passed giving a differential in favor of goods imported in America bottoms, but containing the fatal stipulation, fatal at least as to New England, that no ship should fly the American flag unless it was an American-built ship. This at once opened an immense field for her, which she promptly and resolutely entered. She captured, without an effort, the carrying trade of America, and soon her ships became known upon every sea and in every port for their beauty and their swiftness. The Baltimore Clipper was their only rival, while England herself suffered severely and was in danger of being driven from the seas, but for the fortunate discovery of Fulton.

Her manufacturing industries, while they did not develop so rapidly, yet steadily grew into importance, the War of 1812, giving them a firm foothold, and a base upon which she could demand of the Government further and increased protection. But as protection has always been a series of bargains between different industries, so as to secure the support of them all in their assault upon the taxing power of Congress, it became necessary for New England to sacrifice the beginnings of her iron industries, to gain the necessary protection for her textile manufactures. This concession, the tax upon crude ore and coal, from the very beginning transferred the seat of the iron industry to Pennsylvania, and to this day prevents New England from taking any part therein, as it cuts her off completely from the rich ore and coal fields of Nova Scotia, and makes competition

upon her part impossible. Deprived of this industry in its very inception, all her energy went into the manufacturing of textiles, and more than anything else into that of cotton. From the day that this occurred, the fate of New England as an important factor in the Union depended upon her slave-holding States of the South. To obtain the friendship of the South, and to keep inviolate the civilization then existing there, became absolutely necessary for her, for the passing away of that civilization meant, as I will show, the ruin of New England.

From the very beginning of the colonization movement there had been a latent hostility between New England and the South, arising from the different traits and character of their people, that of the Puritan and the Cavalier, producing in time an absolutely different civilization. This was rather increased than diminished by the Revolution, owing to the indifferent opinion that the Southern troops received in that contest, of the valor and courage of the New England soldiers, which was spread all through the southland upon their return.

But it was not until the tariff measures began to be pressed that the vital interests of the two sections came into antagonism, and then their latent antipathy broke out into the deadly struggle that has lasted until our own day. It was the case of not being satisfied with a moderate tariff and ample protection, the greed for more, that led the New England statesmen into their first great error. If they had been satisfied with the moderate tariff before 1812, which amply protected them, and under which they were prospering, there would probably never have been any opposition in the South. Mr. Calhoun even did not object to the tariff as it then stood, but as the possibilities of the system dawned upon the New England manufacturers during the war that followed, their demands became insatiable, until they culminated in the iniquity of 1828. This meant a life and death struggle with the South, for while willing to pay a small tax, she had decided objections to being robbed. Mr. Calhoun led the South in the great struggle that followed, and with the threat of nullification in his hand, forced the compromise of 1832-33 and came off the substantial victor. But the long years of the contest embittered the feelings of the two sections, and New England lost no opportunity to assail the South and her institutions. So, when the spirit of fanaticism, known as abolitionism, began to ap-

pear, it was seized upon by all her leading men as a weapon to be used against the South. It now became for the South, not a mere contest over a tax, but a struggle for her very existence. The great genius of Mr. Calhoun saw the storm that was coming, and her statesmen rallied to his support and began the most brilliant and determined fight known in our parliamentary annals. As long as New England stood alone they did not fear her. It was her immense power of mischief, the spirit of fanaticism that was spreading and threatening to set the North and West in a blaze, wherein the danger lay, and which the South knew could only end in war. That contest was bitterly waged, and it did end in war—the sacrifice of untold millions and thousands of lives. The war was fought, the South defeated, but what has been its effect upon the two great industries upon which the prosperity of New England rested, her merchant marine and her textile manufactures. Her merchant marine went down before the first blast of the war. Raphael Semmes, in the Alabama, with a few other captains of the South, swept her fleet from the sea. Those that were not captured were forced to register in foreign countries to save themselves from the vigilance of the enemy.

Thus it was that in a few short months, all this magnificent industry that had brought so much wealth to her doors, was swept away forever. I say forever, because the Act of 1792, passed at her request, prevented her from recovering. At the end of the war iron had become more and more necessary in the construction of ships; this could only be had on the Delaware and the Chesapeake, and by natural law they have become the center of the ship-building industry in America. She had then lost the means of building ships, but she still had the power of sailing them. All that her splendid sailors needed were the ships to begin once more the conquest of the seas; the control of the carrying trade. But here came in the Act of 1792. The American fleet had been swept away and the only means of obtaining ships was from abroad, and this the act prohibited. This, then, was the first blow received by New England. The second and the last followed, not as swiftly, but equally as certain and as sure. Before the war the South was prosperous and contented; she was an agricultural community and willing to remain so. It would have taken several generations to alter the mode of her civilization, or to have turned it into a manufacturing community. She was New England's best

customer, necessary to her in this respect, though the South would have preferred to purchase in England. The war left the South in ruins, but it did not kill her indomitable will and courage, and what is the result? All over the Southland have sprung up industries innumerable, the lord of the manor has become lord of the mill, and where the North had before a purchaser, she has now an active, energetic and vigorous rival. The recovery was slow, but the development has been rapid, and in none of her industries has she shown such startling ability as in cotton manufactures, the one in which her rivalry bears the hardest upon New England. As far back as the eighties the New England manufacturers became alarmed, and when the association met in 1889, Mr. Edward Atkinson addressed them upon this subject, and came to the comforting conclusion that this stronghold of New England could never be successfully assailed by the South. The South's answer is in the recent reduction of the wages of the employes all through New England, the extreme period of depression among them and their gloomy future.

And gloomy it is for a certainty, for the South has only begun. There is no country in the world so situated as she is for this industry; no country where it can be conducted so cheaply or where the profits are so great. Ten years hence there will not be a mill operated in New England and the South will have entered upon her contest with Old England. Here she will stand on equal ground with England in regard to the proximity of her coal and iron, and yet possess all the advantages over her that she now holds over New England. The contest can only end in one way, in the triumph of the South. The destruction of the New England cotton industries is only the beginning; the South is fighting for the supremacy of the world. What has been the result of the war upon the South? It has made her more powerful and stronger than she ever was before. What has been the result as to New England? The destruction of her great carrying trade at a blow, the death of her greatest industry, and the steady descent of her status in rank and importance.

Then must not posterity decide that her statesmen lacked the quality of seeing into the future, failed to see where her true interests lay? That it is to them that she owes the fact of her being brought to a condition that threatens her position in the Union; that holds out nothing

but the gloomiest future. To her the friendship of the South was a necessity, to the South her friendship was a matter of indifference, for she was in no way dependent upon it. The New England statesmen failed to grasp the problem, failed to see that in preserving the South as an agricultural community they thereby kept from competing with her the only rival of which she need fear. They took the opposite course, and their children to-day are repenting in decreased wages and hard times, the sack-cloth and ashes of this material world.



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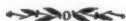
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